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# CANADA AND THE UNITED STATES 1815-1830

A DISSERTATION

SUBMITTED TO THE FACULTY
OF THE

GRADUATE SCHOOL OF ARTS AND LITERATURE

IN CANDIDACY FOR THE DEGREE OF
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BY
DAVID R. MOORE

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## *PREFACE.*

Students of Canadian history must ever be thankful for the extensive accumulation, careful preservation, and systematic arrangement, so far as the cataloguing has progressed, of the historical manuscripts in the archive department at Ottawa, Canada. In the Ontario archives much collecting and arranging remains unfinished. I am very much indebted to the directors and librarians in these archives, especially to those in Ottawa where most of my work was done, for their courteous treatment and assistance. I am also very grateful to Professor A. C. McLaughlin and his associates in the history department of the University of Chicago for their patient reading of this monograph and for their helpful suggestions.

University of Chicago,
December, 1910.

DAVID R. MOORE.

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# Canada and the United States—1815-1830

## I.

## THE GENERAL CONDITION OF AFFAIRS IN 1815.

The experience derived from the days of the American Revolution must have taught European nations wholesome lessons in the management of colonies. Nevertheless, for over half a century after the British lost the United States, England still compelled her American possessions to endure a slowly dying system of navigation laws and similar irritating and obnoxious restrictions. It was apparently with the greatest reluctance that the average European statesman could accept the theory that colonies do not exist solely for the benefit of the mother country, that they are not places for mere exploitation, and that local autonomy must be given in due season.

The Canadas were peculiarly and dangerously situated for the continuance of any antiquated and nonprogressive system. Common laws, language, customs, and descent, common commercial and industrial interests, similar local conditions and the lack of any geographical barrier tended to bring the Canadians into very close touch with the people in the United States. The very presence of the youthful, vigorous, enterprising, liberty-loving American Republic was a menace to anything that abridged "natural rights." In addition to this, American proclamations issued during the war of 1812 convinced many Englishmen that the American Republic was to be feared not merely from the example that it set, but from the fact that its citizens were ambitiously eager to carry their flag and institutions over all the continent. A few enlightened British statesmen accordingly endeavored to retain the loyalty of their colonists by loosening the shackles which bound colonial trade and commerce and by strenuously opposing any arbitrary imperial domination in local affairs. But until the rebellion of 1837 the prevailing British policy was to maintain the old system, and as far as the Canadas were concerned, prevent the loyal inhabitants there from being exposed to the contaminating influence of the expanding democracy to the south of them.

The Treaty of Ghent in 1814 was gladly welcomed because it brought about the cessation of active hostilities, and yet it did not usher in a period of perfect peace, harmony and confidence. In

the United States indignation was aroused because practices continued which it had been hoped the war would bring to an end. Vessels were again boarded and searched; Indians were corrupted by British presents; life and property along the western frontier were endangered by savages generally believed to be emboldened by British intriguers; the American Northwestern fur trade was almost monopolized by foreigners; and increased difficulty was experienced in persuading the tribes to surrender their lands and make room for the American farmer and merchant.

The Treaty of Ghent stipulated that the United States should restore to the Indians with whom they had been at war all the possessions, rights and privileges which the Indians had enjoyed or been entitled to in 1811, previous to the outbreak of the war.[a] These "possessions, rights and privileges" were variously interpreted by the United States, the Indians, and the British. During the negotiations at Ghent the British plenipotentiaries, asserting that the Indians "must in some sort be considered as an independent people," endeavored to create a kind of Indian state in the Old Northwest which would form a barrier between the United States and Canada.[b] When they failed in this attempt to creat a buffer state they insisted on having the Indians specially mentioned and protected by the contracting parties. The British wanted to provide for the welfare of the tribes who had helped them in the war, but they also had in mind the protection of the Canadas and perhaps were influenced not a little by the desire to have a share in the profits of the fur trade. The result was that the British continued to be very friendly with the Indians residing within the jurisdiction of the United States, and Americans complained that much of the Indian discontent was due to the sympathy and support which Canadian agents extended to the tribes.

In Canada also there was restlessness. Almost unaided the loyalists had held the enemy at bay for three years. Now they saw their prosperity and progress hampered by ill-advised and unintelligent regulations. They censured the London Colonial office for exploiting the colonies, for placing friends in fat salaried sinecures, for maintaining an irresponsible, superimposed, provincial government, for fixing trade and tariff laws to favor English merchants or manufacturers, for hindering American immigrants

[a]Am. State Papers, For. Rel., Vol. III, p. 745 ff.
[b]Ibid., p. 706.

from entering and developing the natural resources of Canada, for sacrificing Canadian interests in commercial conventions and boundary line awards, in short for being either ignorant of or indifferent to provincial needs and desires. Canadian soldiers deserted, and colonists left Canada for the western states. The English suspected American immigrants and feared American democracy. There was danger in the spread of republican principles lest the loyal inhabitants of the British colonies should shake off their allegiance to the mother country in order to enjoy greater political liberty and economic prosperity. British administrative officers were cognizant of dissatisfaction in the Canadas and believed that the United States was in part responsible for this.[e]

The close of the three years' war was therefore followed by a period wherein there arose many a matter relative to the Canadas which was international in scope and which became the subject of discussion and negotiation between the United States and the United Kingdom. It is with these international events that the following chapters have to deal.

[e]Durham's Report, p. 41.

## II.

## THE MICHIGAN FRONTIER IN 1815.

The first serious engagements of the war had been at or near Detroit and Amherstburg. Here, too, among the frontiersmen so recently withdrawn from the battlefield, and among a savage race who hated the Long Knives for encroaching upon their lands, the ugly demon of discord lingered the longest, ever threatening to bring about a renewal of the strife. The Treaty of Ghent provided for the speedy and mutual surrender of all posts captured during the war. But the first fort surrendered—Fort Niagara—was not vacated by the British till May 22nd, 1815, and the delivery of Fort Michillimackinac was delayed until late in the summer. This tardiness on the part of the British was one of the first matters causing trouble.[1]

In the case of Fort Michillimackinac the British Charge d'Affaires had requested extra time, a request granted by President Madison because there were no buildings available on the British shores of Northern Lake Huron for the reception of the British garrison. As a matter of fact, however, no haste was made in erecting the buildings; it had been the habit of the British in America to hold what they already possessed; but Drummond, the commanding officer in Canada, cannot be held entirely responsible for the delay in ordering the departure of McDouall and his garrison from this island. As soon as he heard the terms of the treaty, he gave the American officers to understand that it was his anxious wish "scrupulously to fulfill all the conditions of the treaty" as far as they depended upon him, and, only the "absolute necessity of preparing a cover" in his own territory for the reception of his Majesty's troops and stores in that quarter would cause him to leave McDouall at Michillimackinac.[2] His sincerity in this is demonstrated by a letter dated a little later in which he informed Bathurst that the American government had issued instructions not to give up the post at Malden until a simultaneous restitution should be made of the post at Michillimackinac and therefore he had "instantly addressed a letter to Lieutenant Colonel McDouall"

[1]Drummond to Bathurst, C. A. Q. 133, p. 5.
[2]Harvey to Murray, April 6, 1815, C. A. Q. 132, p. 10.

ordering the "immediate removal" of his garrison "apprehensive that delay in the evacuation of that island might afford grounds of complaint on the part of the American nation."[3] At the same time he communicated with Baker, the British minister at Washington, requesting him to "impress the American government with the assurance of his determination to fulfill the conditions of the treaty of peace."[4] For the tardiness in leaving Michigan, Baker, not Drummond, was primarily responsible. He knew what Drummond was as yet unaware of—the War Department at Washington on April 29, 1815, had directed their military forces to be continued upon the same establishment as they had stood at the close of hostilities,[5] and for this reason he sent instructions to procrastinate until definite reports should come from his home government regarding the delivery of the fort and island. Upon receipt of Baker's letter, Drummond countermanded all previous orders.[6] It is apparent therefore that it was Baker's intervention and a knowledge of the action taken by the American War Department that caused the delay. But British traders and those who wished to retain an influence over the Indians also pleaded for procrastination.

The Northwest Company urged Drummond not to deliver Michillimackinac until compelled to do so by positive instructions, and at any rate, not to allow American custom houses to be established on the island while the British garrison remained there. They said the Indian trade was "on the point of annihilation unless the stipulation in the Treaty of Ghent to preserve Indian rights" was meant to exclude military posts and custom houses of either nation from the territory then occupied by the tribes[7]. Drummond's reply to this company was that they should make representations to His Majesty's government if they deemed it needful; but meanwhile he himself made certain concessions. He told McDouall to allow no custom houses on the island so long as the British remained there and to consult the company in the selection of a new post[8]. This trading company had pleaded hard to get the British to keep the Americans away from their trading centres. They urged that if the British forces were withdrawn from the island, such with-

[3]Drummond to Bathurst, May 20, 1815, C. A. Q. 132, p. 104.
[4]Ibid.
[5]Ibid.
[6]Drummond to Bathurst, April 25, 1815, C. A. Q. 132, p. 18.
[7]N. W. Company to Drummond, April 20, C. A. Q. 132, p. 25.
[8]Harvey to Richardson and McGillivray, April 24, 1815, C. A. Q. 132, p. 32.

drawal should be on the condition that no force from the United States should occupy it, nor any civil authority of that country be established there, until after the decision of the boundary commissioners had been given[9].

It was in the interests of both the military officers and the trading companies to retain the good will of the Indians and it was well known that the Indian warrior and hunter would show the greater respect to the party that would display the greater force. The United States realized this as vividly as did the Canadians. Graham, an American agent, hoped that the evacuation of the western coasts by the British forces would have the effect of inducing the Indians to seek an early and satisfactory termination of all differences with his countrymen[10]. Harrison and other American officers were carefully warned to explain to the Indians why Michillimackinac was not given up, so as to give the British no advantage over the United States in relation to the Indian, and so as to beget a just confidence in the power as well as the resolution of the American government to maintain its rights against every opposition[11].

It was impossible, however, for the British to procrastinate very long without overtaxing the patience of the Americans. Moreover, Drummond seems to have desired to live up to the terms of the treaty as far as it lay within his power. On July 18, 1815, Michillimackinac was handed over to the American officers and one source of trouble was removed.

The most fruitful and long enduring source of annoyance, nevertheless, still remained. The British were loath to sever their connections with the tribes residing within the territorial limits of the United States, and, in spite of American remonstrance and resistance, British agents still gave presents to the red men. Was it a sense of moral duty or of gratitude for those who had assisted them in the late war that prompted the British to dole out annual presents and extend favors to the children of the forest? Was it the shrewdness of the British trader who aimed at extending his business? Or was this policy a precautionary measure on the part of the British imperialist and military officer, who wished to retain an ally for a future service? The British, as we shall see later, claimed that gratitude for services rendered was the reason for any favors shown to the Indians; but whatever may have been the motives,

[9]N. W. Company to Drummond, April 20, 1815, C. A. Q. 132, p. 25.
[10]Graham to Harrison, July 12, 1815, A. S. P., I. A., II, p. 15.
[11]Dallas to Harrison, McArthur, and Graham, June 9, 1815, A. S. P., I. A., II, p. 18.

no sooner had the Treaty of Ghent been announced than Prevost, administrator of affairs in Canada, issued an address which declared that presents should continue to be given to his dusky allies. He ordered Drummond to select a deputation of regular officers or members of the Indian Department, send them immediately to Burlington Heights, Saquina Bay, Michillimackinac, Green Bay and Prairie du Chien, call the Indians together at these points, and tell them that the Good Spirit had "moved the heart of their Great Father beyond the Great Lakes to give peace to the nations;" that peace had been made with the last enemy, and the Indian had not been forgotten; that according to promises already given these children were to have all the rights possessed by them before the war; this meant that they were to return to their lands, plant their corn, and hunt the deer; traders would bring them their supplies as formerly, and special care would be taken that the presents should be sent to the frontier posts and should not be diminished; peace it was hoped would last forever; but if it were broken, it would be by the fault of the Long Knives for the heart of their father was spotless.[12]

Thus Prevost promised peace and presents. Monroe, on the other hand, with much less tact promised peace and posts. Clark, Edwards, and Chouteau were told to make treaties with the Indian tribes, to confine these treaties to the sole objects of peace, but at the same time to avail themselves of the opportunity to inform the Indian tribes that it was intended to establish strong posts very high up the Mississippi, and from the Mississippi to Lake Michigan, and to open trading houses at these posts or other suitable places for their accommodation.[13] The very mention of posts was objectionable to the Indians. In the United States territory the Indian saw the British only as a trader and friend, never as one taking up his land and encroaching upon his hunting grounds.

In order to placate the Indians the Washington authorities ordered their agents in the Northwest Territories to explain that the "policy of introducing factories and military stations generally into the Indian territory" was really in the interests of the Indian. The chain of outposts from Chicago along the Illinois to St. Louis was intended not only to guard against encroachments upon the property and people of the United States, but to aid and protect the Indian,

[12]Prevost to Bathurst, C. A. Q. 131, p. 75, March 18, 1815.
[13]Monroe to Clark, Edwards, and Chouteau, March 11, 1815, A. S. P., I. A., II, p. 6.

to furnish him supplies, to afford him an occasional asylum, to give him an opportunity to claim redress for grievances, or to communicate intelligence of any danger he might apprehend at home or abroad.[14] But neither the President's explanations, nor his presents which he also found it expedient to grant, appeased the tribes. The Indian looked to the British colonies for help and the Canadian authorities were often only too eager to encourage the Indian to do so.

The Canadians, however, were not the only ones responsible for the Indian trouble. Subordinates in the employ of the American government seem to have been fond of using threats of force rather than employing that "skillful cajolery" which would obtain the same ends with less friction. At Green Bay it was reported by the Indians that American agents had made boisterous threats to seize lands which the Indians claimed to be their own and which they refused to sell. In such resistance as this the Indians knew where to find sympathy. Even Drummond hastened to acquaint Bathurst that he was "concerned . . . . . that there appeared a strong indication on the part of the American government to violate the existing treaty . . . . . as far as related to the infringement of Indian territories."[15] He had heard of a strong American force having been sent to establish forts at Green Bay. Chicago, Prairie du Chien, and at the Falls of St. Anthony and that the plans to do so were openly reported. Under pretext of calling a numerous council of Indians to make peace, the intention, he said, seemed to be to destroy the tribes who would surrender their lands in these parts; and Major Morgan, an American officer commanding at Michillimackinac, had frankly admitted to Lieutenant Colonel McDouall that the American forces had "no right to occupy Indian territory or to construct forts upon it which they did not possess before the war, but that still it was determined upon and should be done!"[16] General Brown, Drummond said, was hourly expected with a strong body of men on his way to Michillimackinac to carry out these designs. Certainly the Indians believed that their lands and rights were being unjustly trespassed upon and the Northwest Company supported them in this belief.[17]

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[14]Dallas to Harrison, June 9, 1815, A. S. P., I. A., II, p. 18.
[15]Drummond to Bathurst, August 27, 1815, C. A. Q. 133, p. 82.
[16]Ibid.
[17]McGillivray to Harvey, April 17, 1815, C. A. Q. 132, p. 85.

The first serious dispute was at Green Bay; it was there that the Indians refused to sell their lands. The few white or mixed settlers in that place were exclusively French or British, and we may be sure that these people were not enthusiastic in urging the Indians to comply with American demands. At Prairie du Chien, where another dispute arose, the Northwestern Company vigorously supported the Indians.[18] This place had not been occupied by Americans before the war and therefore the Company maintained that the rights of the Indian should be as in 1811. Previous to the war the most advanced post of the United States in this region was Fort Madison on the Mississippi, some four hundred miles south of Prairie du Chien. During the war a stockade had been built at Prairie du Chien and this had fallen into the hands of an American force but had been recaptured by British and Indians. At the close of the war when other forts were given up, no restitution was made of this one on the ground that it was Indian territory—not a part of the United States—and had not been included in the general surrender of posts.[20] When the Americans, therefore, now attempted to erect a trading post and a military station at Prairie du Chien, the Indians and the Northwest Company objected, declaring that without previous purchase and express permission no one had a right to take possession of the place. Quasi sovereign rights were claimed for the Indians; and they, resenting the proximity of soldiers and settlers, appealed to their father across the ocean for protection. Native warriors were thus zealously trying to block the westward march of the Americans and were encouraged to do so by the foreign traders.

The President's agents were fully aware of these facts. "The commotion of the Indians about Prairie du Chien and the failure of the Winnebagoes, Menomonies, and the Chippewas to meet the Americans in council," wrote Clark, Edwards, and Chouteau, "is thought by most intelligent white men as well as by most respectable friendly Indians to be the result of the immense presents which the British government have lately distributed to the constant intrigues of British traders who certainly have a greater quantity of merchandise on the Mississippi at present than they have ever had in any former year. They are making the greatest efforts to retain their influence and to engross the whole of the trade."[21]

[18]McGillivray to Harvey, April 17, 1815, C. A. Q. 132, p. 35.
[20]Kingsford, IX, p. 70.
[21]Letter of Clark, Edwards, and Chouteau, Oct. 18, 1815, A. S. P., I. A. II, p. 9.

Clark and his two companions also blamed the "contemptible British trader" for the trouble they were having with the Sacs and Foxes.[22] Another American Indian agent declared that "every British trader among the Indians is a political partisan, sowing the seeds of distrust and dislike against the government and people of the United States. It was through this description of persons that all the plans of the late Indian war were laid, matured, and brought into operation."[23] From Fort Wayne it was reported that even the kindness of the United States had been misinterpreted and that enemies had persuaded many Indians to believe that the United States permitted goods to be sold on credit so that later these land-grabbers might seize the lands in payment for unpaid debts.[25]

In a treaty with several tribes in the fall of 1815 special pains were taken to offset this reported intriguing. Emphasis was laid upon the assertion that the United States were really taking care of the tribes, that British intercourse was entirely a matter of indulgence, and that it must not be believed for a moment that Great Britain had obtained any special benefits for them.[26] But intriguing did not cease. Eight years later the British traders in the farther West were accused of continuing this same kind of influence. Major O'Fallon, a man who, according to the National Intelligencer of St. Louis, enjoyed a "reputation for penetration" and for an "intimate acquaintance with the Indian character," reported that many circumstances had transpired to induce a strong belief that the Hudson Bay Company was then exciting the Indians to drive the Americans from that quarter so as to reap the fruits of American labor. He had been in hopes, he said, that the British traders had some bounds to their rapacity, but, like the greedy wolf, not yet gorged with flesh, they guarded the bones, they ravaged the fields, and, not satisfied with participating in the Indian trade, they had become alarmed at the individual enterprise of American people, and were exciting the Indians against them.[27] Such evidence shows how bitter was the feeling in the western territories against the intrusive foreigner and how this hostility continued long after the Treaty of Ghent had declared for a return of friendly intercourse.

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[22]A. S. P., I. A. II p. 9-10.

[23]Letter of John Johnston, Agent, Piqua, Sept. 6, 1815, A. S. P., I. A. II, p. 88.

[25]Stickney to Crawford, Oct. 1, 1815, A. S. P., I. A. II, p. 85.

[26]Treaty, Sept. 8, 1815, with tribes in Ohio, Indiana, and Michigan, A. S. P., I. A. II, p. 18.

[27]National Intelligencer, Aug. 10, 1823, C. A. G. 222.

Not only the British trader in general, but the British agents at Amherstburg in particular were constantly exciting the ill will of their neighbors across the river. In the summer of 1815 Harrison, McArthur and Graham, American commissioners, called a council of Indians at Detroit to inform them of the provisions of the Treaty of Ghent and to "concert with them the proper measures for carrying the same into effect." [28] This meeting was called for August 25th, 1815, but the invitation did not produce the desired effect. The Indians did not come. The commissioners were told that the Indians had been detained by the British agents. A request was therefore made to the senior officer at Malden to take "measures to give full effect to the 9th article of the Treaty of Ghent," and Major Langham was sent to deliver this request. While in the discharge of this duty Langham felt that he had been rudely received by the Canadian officers and returned in high dudgeon to Harrison. The Americans were now doubly irritated. Their own Indians had been induced to stay away from the council and an officer had been insulted.

Barracks, temporarily in command at Malden, and Lieutenant Colonel James, who had been absent when Langham arrived, sent replies to Harrison's note. They declared that the Indians were a free and independent people at liberty to act for themselves and "had considered it a matter of greater importance to attend the Council ordered to assemble in Amberstburg on the 26th instant for the explaining of the articles of the Treaty of Ghent." No inducements, they said, were held out to detain the Indians but it was not surprising if Indians on the left bank had not crossed over when pains had so recently been taken to prevent any one of them from ever passing over. Barracks was "unable to account for the mysterious conduct" of Langham.[29]

The curtness and general tone of the British replies was sufficient to make Harrison still more indignant. After calling attention to the discourteous reception of his aide, and the hasty reading or misinterpretation of his first note, Harrison wrote James that he had never asked the British to compel the Indians to cross to the Council at Detroit—as Barracks had intimated—and it was to be regretted that the British had not explained the terms of the treaty

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[28] Harrison, McArthur, and Graham to the commanding officer at Maldon, Aug. 26, 1815, A. S. P., I. A. II, p. 15.

[29] Barracks to Harrison, Aug. 27, 1815, A. S. P., I. A. II, 15. James to Harrison, Aug. 29, 1815, I. A. II, 15.

much earlier and so have prevented, perhaps, Indian depredations, vexatious and injurious to American citizens, and troublesome to the British themselves. Cass, he said, was now trying to prevent these depredations by limiting intercourse with his people but it was never intended to prohibit Indians from crossing the international boundary.[31]

Such letters and such actions are typical of the state of affairs in this district all through the year 1815. Even if James did not willfully try to hamper Harrison, undoubtedly he would have been better pleased if the Indians had not gone to the American councils. It looked suspiciously like an effort to exert influence, when he called an Indian meeting on the Canadian side at the very time set by the Americans for their council. If the civil or military authorities in Canada were desirous of maintaining friendly intercourse with their American neighbors in the Amherstburg district —and all evidence seems to point in favor of such desire—then a man less adapted to foster peace and harmony could scarcely have been found than Lieutenant Colonel James, the commanding officer in that district.

But if James and his subordinates were trying to cater to the red men, it is evident that the American officers had no thought of retreating. Harrison persisted in his efforts to gather the Indians before him, though forced to postpone this meeting from day to day until the council on the other side of the river had been dissolved. At last when his patience had been partly rewarded, he endeavored to make up for lost time by vigorously berating the British and extolling the virtues and bravery of his own countrymen. He told the prophet and other red men in the assemblies that their late British father had acknowledged his error and had agreed to make peace; that the British had been defeated in the war with the Americans, and in Europe they had not been unassisted in their victorious struggle against Napoleon; other nations had coöperated with them; that in America the British agents had seduced the chiefs and warriors from their duties to the United States and were now deceiving them; that their great father at Washington was their only true friend and wanted peace and prosperity and happiness to continue among his children.[32]

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[31]Harrison to James, Aug. 30, 1815, A. S. P., I. A. II, p. 15, 16.
[32]Harrison's Speech, A. S. P., I. A. II, p. 20, 25. See p. 18, 19 also.

Harrison was not alone in complaining against British officers during this first year of peace. United States Secretary of State Adams reported to Earl Bathurst of the British Colonial office that a British colonel, Nicholls, "after the conclusion of the peace, actually concluded a pretended treaty of alliance, offensive and defensive against the United States."[33] Bathurst expressed himself in terms of unqualified disapprobation at this pseudo treaty. It had not been, he said, approved of, for no such treaty could be made by Great Britain. In this action of Nicholls there is one of the first instances after the war of a colonial officer's clashing with the desire of the British government. It must be kept in mind that the actions of the British frontier officers were not always in harmony with the will of the home government; at all events the Colonial Office more than once disclaimed any part in incidents that caused offense to the goverment at Washington.

In October of this same year serious trouble was threatened from two other sources. On the morning of October 5, Richardson, surgeon and justice of the peace of the Western District of Upper Canada, a man who apparently bore no love for the Americans, officially reported to James that an "unprovoked and most wanton act of violence," namely the killing of an Indian, had been committed the day before by a number of Americans near Grosse Island. Some Indians had gone to the island "to shoot squirrels," when they were approached by the Americans, "damned, told to embark immediately, which they did," and were then fired upon, the shot resulting in the death of one of their number the next morning.[34] James immediately wrote to Cass, briefly informing him that an Indian had been "murdered under the most aggravated circumstances" by eight or ten Americans, including an officer who was with them at the time the cruel act was perpetrated. Then, in language most untactful, and which Cass was justified in considering offensive, he continued: "I need not point out to you the line of conduct necessary on this occasion, . . . . . my pointing out to you the custom of savages in the present instance would be needless."[35] Even if the Indian had really been wantonly murdered and if it had occurred within British territory, both of which we may presume James had been led to suppose, such a message was unnecessary and ungentlemanly. Cass replied with

[33]Adams to Castlereagh, March 21, 1816, C. A. Q. 188, p. 215.
[34]Richardson to James, Oct. 5, C. A. Q. 819, p. 199.
[35]James to Cass, Oct. 5, C. A. Q. 819, p. 181.

dignity and firmness: he would make inquiry; if Americans were guilty, American courts of justice would operate with rigid impartiality; a person would be sent over to attend the inquest in order to procure evidence.[36] But he incidentally reminded James that some suggestions he had made in his note were unnecessary.

At the coroner's inquest, held October 6th, sworn evidence of two of the Indians who were with Akochis, the deceased, showed that some five Kickapoo Indians had been innocently hunting squirrels on the island and were about to embark for Amherstburg when ten American soldiers, one of them apparently an officer, approached and asked the Kickapoos if they were British subjects. When answered in the affirmative, they motioned the Indians to leave the island. This command was immediately obeyed but as soon as they had pushed off their canoe, one of the Americans loaded his gun. The officer spoke to him and endeavored to grasp the gun, but before this could be done, the soldier had fired, wounding Akochis in the back. The coroner's jury declared Akochis to have been murdered "feloniously, willfully, and with malice aforethought by an unknown person supposed to be an American." [37]

It must be noticed that the coroner's jury simply stated that this murder occurred in the waters of the Detroit River, apparently indifferent whether the scene of the shooting was in American or British territory or else willfully concealing the fact that it was on the American side of what was then generally considered to be the dividing line. It must also be noticed that the American soldiers had not been heard in self-defense. The evidence of the savages delivered through an interpreter was all that the jury had upon which to base their verdict of willful murder.

The next day Cass again wrote to James stating that he had "ascertained with precision the circumstances of the transaction." The Indian, he said, was killed while in the act of presenting his gun to McComb, the officer referred to by James. The event was connected with the predatory system which the Indians had pursued for some time on the Island and which the American soldiers were trying to check. Since the shooting had occurred within the territorial jurisdiction of the United States, a British officer had consequently no right to require nor ought an American officer to give

[36]Cass to James, Oct. 5, C. A. Q. 319, p. 182.
[37]James to Robinson, Oct. 16, 1815, C. A. Q. 319, p. 179.

any explanation upon the subject.[38] Cass then sent an officer, McDougall, to hold a personal interview with James, because, as reported by the latter, "letters are apt to lead to rancour and personal interviews avoid it."[39] Cass, evidently, was unwilling to allow this unfortunate incident to lead to further trouble, but James was not of so peaceful a temperament.

According to McComb's testimony, and surely his testimony ought to bear at least equal weight with that of a savage, these Indians had been killing his cattle on the island. He ordered the marauders to leave the island and they had just pushed off from the shore when one of them aimed his gun at him. A soldier standing by, noticing the danger, quickly drew his gun and shot the Indian. This story is more probably the true one, but both James and the magistrates jumped recklessly at conclusions, impelled by the spirit of vengeance rather than wisdom. Paying no attention to the letter from Cass, James, on October 12th, requested the justices of the peace to "take such steps and measures" as would most likely protect the British subjects as well as those entitled to and claiming that protection.[41] Accordingly on the 18th of October, there was issued, most imprudently on the part of the British officers concerned, a proclamation offering $500 reward if the murderer were secured in some one of His Majesty's jails in Upper Canada.

Three days later James received a letter from Caldwell, Deputy Superintendent of British-Indian affairs, which caused more trouble. The Prophet had complained to Caldwell that a few days after the death of Akochis, some American had stolen from Stony Island—an island near Amherstburg—eight horses and a colt belonging to the Kickapoos; the Indians, Caldwell said, wanted James to demand a return of the horses.[42] James wrote a brief note to Cass enclosing Caldwell's letter and intimating that he had no doubt that Cass would see to the restitution of the property because, when a similar case had occurred the last summer, the United States officer had been good enough to return the stolen property.

Cass' reply to James showed not only impatience but a determination not to budge from what he considered the rights of the United States. In no ambiguous terms he told James to attend to his own affairs and cease meddling with matters purely beyond

[38]Cass to James, Oct. 7, 1815, C. A. Q. 319, p. 184.
[39]Letter written by Lt. Col. James, C. A. Q. 319, p. 186.
[41]Richardson to James, Oct. 12, 1815, C. A. Q. 319, p. 204.
[42]Caldwell to James, Oct. 21, 1815, C. A. Q. 319, p. 212.

British jurisdiction. Stony Island, he said, was in the territory of the United States; the horses had been taken from there, not to Canada, but to Michigan; consequently, a British officer had no right to interfere; "the jurisdiction of the United States and of Great Britain within their territorial limits was exclusive;" he would not "acknowledge in principle nor ever admit in practice" the right of any foreign authority to interfere in any arrangement or discussions between them and the Indians living within his territory. He was inclined to impute the conduct of Caldwell in interfering either to a "profound ignorance of the relative rights of nations or to a more artful though less pardonable motive, that of preserving an influence over the Indians to be used as subsequent events might render expedient." The letter concluded with the statement that the United States courts of justice had made inquiries concerning the particular case referred to by Caldwell; one horse belonged to a citizen of Detroit, the others would be returned to the Indians; but this information was given as a personal favor to James, for American officers were under no compulsion to render an account to a foreign power under the circumstances.[43]

Cass' fighting spirit was fully aroused. The next day he issued a proclamation to counteract the reward offered by the magistrates of Upper Canada for the apprehension of the murderer of Akochis. He called attention to the fact that the killing had occurred wholly within the jurisdiction of the United States and was a matter, therefore, that concerned the United States alone; and in order that British pretensions so unfounded might be resisted and that attempts so unjustifiable might be repelled; that the people of his territory might not be transported to a foreign country for acts committed in his territory; that the Indians residing within the United States might not be taught to look to the agents of another country for protection and redress which American laws so fully afforded; and that a foreign influence incompatible with the sovereignty of the United States might not be acquired and exercised over them, he required all persons, citizens of his territory or residing therein, to repel by *force* all attempts which might be made to apprehend any person on the American side of the dividing line.[44]

It will be noticed that one of the principal things Cass was trying to break up was the foreign influence over the Indians of Mich-

[43]Cass to James, Oct. 26, 1815, C. A. Q. 319, p. 214.
[44]Proclamation, Oct. 27, C. A. Q. 319, p. 306.

igan.[45] If James had been trying to exert undue interference in affairs beyond his jurisdiction, he found himself properly checkmated by Cass. In a letter a few days later, however, James defended his interference by taking "the liberty to remind" Cass that the Treaty of Ghent amply provided for the Indians who had lately been in alliance with Great Britain and that even those tribes whose country extended as far as the Mississippi were included in the treaty, and looked to England for a fulfillment of that solemn agreement.[46] Surely James must have recognized that the Treaty of Ghent could never have justified him in all his claims and actions.

Meanwhile he had reported the whole affair to his superior officer, Major General Sir Frederick Robinson, adding that little friendly intercourse existed between the American and British officers in that district because every time British officers were from curiosity induced to cross to the opposite shore, the visit was attended by some act of insult, whereas American officers on the Canadian shore were treated with the greatest respect.[47] James later reported to Robinson that it was evident that Governor Cass intended to cut off all British communication and traffic with the western Indians and that if this effort succeeded, the Indians would become allies of the United States, and if so, Canada would be lost. It is perfectly plain that James preferred the good will of the Indian to that of the United States.[48]

Drummond, the Governor in Lower Canada, also received information from James concerning the killing of Akochis, and as this was his only source of information, he was persuaded that it was a "wanton murder and an inhuman outrage," and, therefore, he trusted that Gore, Lieutenant Governor of Upper Canada, would demand the "strongest remonstrance from the American government."[49] Gore, on the other hand, had heard both sides of the question and with a calm, sane judgment and with that conciliatory spirit usually displayed by the central authorities on both sides, he deplored the part played by James, Caldwell and the magistrates

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[45] "The tenor and object of their [British] measures is to teach the Indians to look to them for protection." Cass in letter to Monroe—see A. H. A. Reports, 1888, p. 77.
[46] James to Cass, Nov. 1, 1815, C. A. Q. 319, p. 218.
[47] At this very time an American officer at Detroit had just written to Baltimore commending the great civility with which the military officers and men treated each other on both sides of the animosity which he believed existed between the citizens of Michigan and Canada. Niles Reg. IX, p. 188.
[48] James to Robinson, Oct. 16, C. A. Q. 319, p. 179.
[49] Drummond to Gore, Nov. 25, 1815, C. A. Q. 319, p. 177.

of the Western District. To him it was most obvious, from the despositions taken, that the homicide was committed in the territory of the United States. He regretted the fact that the coroner's verdict seemed to have been drawn up with a view to conceal this, and concealment could have been designed only to cover the extraordinary measure of the proclamation and the reward offered by those magistrates. He blamed James for not adopting a more conciliatory policy and ordered all further discussions to be carried on between His Majesty's minister at Washington and the government of the United States.[50] Luckily for the interests of peace Gore's influence prevailed, and luckily, too, no attempt was made to earn the $500 reward. The "border warfare" arising out of these two particular questions was transferred from Detroit and Amherstburg to Washington and London.

Meanwhile, however, the press in sections of the United States interested in the West, and unfriendly to Britain, was discussing the action of these Western magistrates. The Pittsburg Mercury called upon Congress to take action. The affairs at Detroit, it said, afforded "evidence of the hostile disposition of the British commanding officer towards the American government and people," and these transactions showed the length to which he was disposed to go and "furnished unequivocal testimony of a desire in the British authorities to cherish and promote among the savages dispositions hostile to the United States to be employed as future events (might) render necessary; the pompous interference of His Majesty's agents were designed to give the untutored savages exalted ideas of the friendship, the power, and the dignity of the British government and to make that government appear to them as the avenger of their wrongs; these circumstances connected with the preparations being made by the British government throughout the whole length of the Canadian lines, loudly called for preparations also on the part of the United States." [51]

Sufficient pressure was brought to bear upon Congress to induce John Quincy Adams to enter in the spring of 1816 a formal complaint against the British military officers in America. He asserted that these officers "labored with an activity as restless and a zeal as ardent as they could have done in the heat of war" to instigate Indians to continued or renewed hostility. The proceedings of

[50]Gore to Baker, Dec. 26, 1815, C. A. Q. 819, p. 174.
[51]Pittsburg Mercury, quotation in Niles, IX., p. 241. Dec. 2, 1815.

James and of the magistrates in Upper Canada bore such a strong resemblance to those of Colonel Nicholls that he hoped they would receive the same disapproval and disavowal by His Majesty's government. He trusted also that the British government would issue such orders that no doubt would be left on the minds of American officers that the intention towards the United States was peace.[52]

Adams' protest appears to have borne immediate results. Governor Sherbrooke, who came to Canada in July, 1816, at once sent instructions to his subordinates to repress by every means in their power the hostile disposition of the Indians towards the Americans,[53] ordered no presents to be sent to the United States Indians and directed the Superintendent of Indian Affairs to adhere strictly to these regulations.[54] Gore also concurred with Sherbrooke in this policy.

Meanwhile another source of trouble had caused irritation along the frontier. Sailors were abandoning British vessels on the Great Lakes as well as at the Atlantic ports, and soldiers were deserting from British regiments. Americans were blamed for not only enticing these deserters but for preventing their recovery.[54a] Soon after the peace was proclaimed Drummond tried to recall his runaways by issuing a proclamation pardoning all such who would return to their former regiments before July 7, 1815.[55] But this pardon was not sufficient. More money and better opportunities could be found under the American flag, if not as a soldier, then as citizen.[56]

In the various controversies caused by frequent desertions of British soldiers and sailors neither side was blameless. In one instance several sailors deserted together, and landed about ten miles from Detroit. They were followed by a crew of officers and men who disembarked, examined several houses, and at length seized one man and sent him to the Canadian side. Then they placed sentinels on the American highway, one of whom fired on a citizen. These events angered the people of Detroit, who flew to arms and arrested both the officers and the men. Later it was agreed to release all except one officer who was to be held until the men already sent to Canada should be returned. The officer

[52]Adams to Castlereagh, March 21, 1816, C. A. Q. 138, p. 215.
[53]Sherbrooke to Bathurst, July 15, 1816, C. A. Q. 136, p. 7.
[54]Sherbrooke to Bathurst, July 20, 1816, C. A. Q. 137, p. 157.
[54a]"Not a vessel arrives at New York from this country without her crew being immediately seduced into the American service." From a London paper—Niles Register IX, p. 428, Feb. 1816.
[55]Kingsford, IX, p. 81.
[56]Glenelg to Head, C. A. G., p. 79.

was put in an American fort and James was requested to release his prisoner but refused to do so. The captive-officer was tried in Detroit, fined $400 or $500 and released, though Chief Justice Woodward said he "ought to have been pilloried and imprisoned." [57] On another occasion the bandmaster of the 37th regiment went to Detroit to bring back a boy who had deserted, but who afterwards had expressed a willingness to return. As soon as the bandmaster had made known his errand he was surrounded by a mob and escaped only through the friendly intercession of an American officer.[57a] At another time it was reported that an orderly sent to Detroit on business was approached by two who had previously deserted and by two American citizens who greeted him with a considerable display of cordiality; these invited him to a dance where he should have the privilege of dancing with a "major's daughter," and urged him to remain in Detroit wherein he could escape from the tyranny of England. A newspaper was thrust into his hand, containing an article which declared that 10,000 of the oppressed in England were migrating that summer to find freedom in the United States. Every artifice, declared James, was used by certain classes across the river to entice the British soldiers to that side.[57b]

It might be considered not unfair tactics for the United States marshal to encourage desertion during the war.[58] But long after the war James found occasions such as these cited above upon which to complain loudly and grievously against both ordinary citizens and officers in Detroit for not only conniving at desertion but for openly enlisting deserters in their own army.[59] On March 2, 1816, James published a partial list of those who had left his ranks and had been enlisted in the United States army. American deserters, he said, had offered to enter the British service but care had been taken to discourage such desertion and it had been the practice of British commanders to compel these deserters to leave the Canadian frontier within twelve hours.[60]

Bagot called the attention of Monroe to this practice of admitting deserters "into corps within sight of the regiments they had so disgracefully abandoned," [61] to which Monroe immediately replied

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[57]Niles, IX., p. 104, 187, Sept. 1815.
[57a]Letter of Lt. Col. James, C. A. Q. 138, p. 192.
[57b]Ibid.
[58]Loring's Memorandum, Jan. 28, 1815, C. A. Q. 131, p. 26.
[59]James to Robinson, Oct. 16, 1815, C. A. Q. 319, p. 179.
[60]C. A. Q. 138, p. 275.
[61]Bagot to Monroe, May 24, 1816, C. A. Q. 138, p. 277.

that such alleged practices were entirely contrary to the general orders of the war department and ordered investigations.[62] General McComb, writing over three months after James made his complaints, did not deny the fact that James' charges might be well founded. What he did say was that though no recruiting had taken place since the war, substitutes were allowed, and deserters might have crept in by that means; however, more stringent rules had been passed since his attention was called to this, and "already perfect harmony existed between the officers on both sides of the line." [63]

Subsequent desertion of soldiers nevertheless was destined to interrupt this "perfect harmony." American troops in their turn invaded Canadian soil in search of alleged deserters and the correspondence of these years reveal how difficult, tedious and expensive it was to trace fugitives who had escaped from one country into the other. In districts sparsely settled and comparatively poorly policed a culprit might easily secrete himself and baffle all pursuers. Vexatious delays and much ill feeling often arose because of the lack of any extradition treaty and such a treaty failed to be agreed upon until more than twenty-five years after the war, largely because the British government was reluctant to consider any terms which insisted upon the return of runaway slaves.[64]

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[62]Bagot to Castlereagh, C. A. Q. 138, p. 273.

[63]McComb to Monroe, June 20, 1816, C. A. Q. 138, p. 309.

[64]Richmond to Bagot, Aug. 18, 1818, C. A. Q. 149, p. 78, 90. Richmond to Bathurst, Nov. 19, 1818, C. A. Q. 149, p. 181. Letter of E. T. Throop, July 8, 1882, C. A. Q. 228. Vaughan to Dudley, 1828, C. A. Q. 185, p. 208. Clay to Vaughan, Jan. 28, 1828, C. A. Q. 185, p. 211. Dalhousie to Bathurst, Oct. 27, 1821, C. A. Q. 157, p. 388. Van Buren to Vaughan, July 21, 1829, C. A. Q. 189, p. 161. Vaughan to Kempt, Aug. 1, 1829, C. A. Q. 189, p. 151. Hillier to Goulburn, Sept. 24, 1819, C. A. Q. 326, p. 117. Gleneig to Head, C. A. Q. 83, a demand for the return of the slave. See the draft on the Convention sent by Palmerston to Fox, April 27, 1840, and the letter of Fox to Poulett Thompson, Sept. 10, 1840, C. A. G. 226.

## III.

## NAVAL ARMAMENTS ON THE GREAT LAKES.

The year 1816 was perhaps the most critical in the first decade after the war. The intriguing at the Council, the Indian murder and horse stealing incidents, the advance of American settlers and military posts, the exclusion of British traders by an act of Congress and the more or less open sympathy and support of the British trader and frontier military officer made the tribes very hostile towards the Long Knives. Before we continue the controversy over Indian affairs, however, we shall take up another matter which occupied the attention of the British and Americans during the summer of this year. When John Quincy Adams, the American ambassador to England, lodged a complaint in March against certain actions of James and others, he coupled with this note to Castlereagh a proposal to reduce the existing naval armaments on the Great Lakes, the reductions to be mutual and the degree to which they should be made to be left to the action of His Majesty's government; but the greater the reduction, the more acceptable it would be to the President of the United States and most acceptable of all should it be agreed to maintain on either side during the peace no other force than such as might be necessary for the collection of revenue.[74]

This was a very timely proposal. For the continuance of peace some such action was necessary because the right of search after the Treaty of Ghent was still claimed and practised by the British. Western American papers grew very much excited over this practice. The Pittsburg Mercury of June, 1816, again took up the cudgels and published a series of articles in regard to the arrogant conduct of the British on the waters of Lake Erie. The firm and dignified remonstrance of Governor Cass, it said, had not been sufficient to restrain the practice complained of; another American vessel had been forcibly entered and searched within the waters of Put-in-Bay, Ohio; such insolent conduct could not and would not be borne; the government of the United States must take immediate notice of the subject and order into service a sufficient force to

[74]Adams to Castlereagh, March 23, 1819, C. A. Q. 138, p. 220.

compel respect for the American flag.[75] The Buffalo press ironically and sarcastically declared that the firing on the American schooner, Mink, near Put-in-Bay by his majesty's schooner was "truly British" and "magnanimous;" and Niles wrote, "The long and short of the matter is this—that the insult must and will be atoned for." Niles, too, was very much excited over the reported increase of the British forces in Canada and the establishing of a more "respectable naval force" upon the lakes. Movements of Canadian vessels on Lake Ontario made him suspect that the right of search would there be exercised as it was on Lake Erie and he also found reason to believe that British officers were in most of the seaports of the United States, making maps of them and the places adjacent. "The danger is not over," he wrote.[76]

During the spring of 1816 complaints and affidavits came officially from Cass to the effect that parties of armed men from the British war vessel Tecumseh on Lake Erie had boarded several vessels belonging to the United States.[77] Baumgardt, the senior British captain, was anxious to prevent controversies. He wrote to Captain Bourchier, commanding on Lake Erie, regretting that the latter had issued orders to search "all vessels passing through the port of Amherstburg" and requested that such action should be discontinued. Later in 1816 another complaint of illegal search gave rise to diplomatic correspondence. Baumgardt admitted that Bourchier had exceeded his power in searching the American vessel and once more he ordered that there should be absolutely no boarding or searching of American vessels. However, it was pointed out that the complaint had not "proceeded from the master or owner of the vessel searched, but from passengers, men of a class apparently anxious to blow up every trifling occurrence into a flame;" and, moreover, the United States themselves were committing the same offense; for one of their vessels had followed a British boat from Niagara to search her for deserters. The whole point of this particular incident, Baumgardt said, was the American effort to maintain a claim to Bois Blanc, an island near Amherstburg. If their ships kept to their own territory they would never have been disturbed.[78]

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[75]Pittsburg Mercury, July 17, 1816, C. A. Q. 138, p. 337.
[76]Niles Register IX., p. 152, Oct. 17, and Oct. 24, 1815, p. 169, Nov. 4, 1815. Niles Register XI., p. 30 and 47, Sept. 7 and 14, 1816.
[77]Baumgardt to Bourchier, Sept. 5, 1815, C. A. Q. 146, p. 13.
[78]Baumgardt to Bagot, C. A. Q. 146, p. 15.

The commanding naval officers in Canada were not eager for strife. The civil authorities had also taken steps to prevent their naval force from meddling with American vessels and this action on the part of Lieutenant Governor Gore preceded Adams' proposal to eliminate the armaments on the lakes. Two days before Adams submitted his proposition to the court of Saint James a Canadian naval captain, Owen, asked Gore for "unquestionable authority" to act as magistrate—in other words to be empowered to arrest smugglers.[80] Gore replied that the Great Lakes were open to the United States for navigation and the British *civil* authority was sufficient to support the revenue laws.[81] Owen was ordered to cease searching public vessels, but he significantly told Gore that "if only the collector of duties had a right to visit vessels on the Lakes, a new feature was thereby given to the naval service."[82]

Adams' representation to the British government complaining of improper interference on the part of British naval officers resulted in Bathurst's sending the most positive instructions to Gore and to his successor, Sherbrooke, to discourage "all proceedings of this nature and to exert their utmost authority and influence to maintain within the limits of their government in all communications and intercourse with the American authorities and people, a line of conduct strictly conformable to the relations of amity and friendship so happily existing between the two nations."[83] The friendly disposed Sherbrooke received and communicated these orders and heartily tried to enforce them, "because much interference was so much at variance with the intentions of His Majesty's government."[84] It is clear that, if the British navy on the lakes thereafter interfered with American vessels so as to provoke ill feeling, it was neither in accordance with the British wishes nor with the wishes of the Canadian civil authorities. Almost invariably American protests were favorably acted upon by the cabinet in London.

The agreement of April 28, 1817, to reduce the naval armaments went a long way towards removing further trouble.[85] Henceforth the naval force to be maintained upon the lakes, should be confined to the following vessels on each side; on Lake Ontario to one

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[80]Owen to Gore, March 21, 1816, C. A. Q. 220, p. 218.
[81]Gore to Owen, May 14, 1816, C. A. Q. 320, p. 212.
[82]Owen to Gore, May 27, 1816, C. A. Q. 138, p. 91.
[83]Bathurst to Gore, Sept. 9, 1816, C. A. G. 58.
[84]Sherbrooke to Bathurst, Nov. 21, 1816, C. A. Q. 137, p. 300.
[85]C. A. Q. 146, p. 127.

vessel not exceeding 100 tons burden and armed with one eighteen-pound cannon; on the Upper Lakes to two vessels; and on the waters of Lake Champlain to one vessel of the same kind. It was stipulated that the other armed vessels on the lakes should be forthwith dismantled and if either party should be desirous of annulling the stipulation, six months' notice to that effect should be given.[86]

Although the naval armament on both sides was reduced, as indicated above, each nation maintained a limited naval equipment —not until fifteen years later did the British seriously discuss the expediency and policy of discontinuing this remaining unnecessary and even baneful establishment. The United States had already set the example which the British admiralty at last wisely followed. The Lords of the Admiralty were prompted to do this from motives quite as potent as that of removing possible friction with the United States. First, there was the expense; the pay and allowance of the officers and men, and of the civil part of the establishment employed on the Lakes, amounted to a sum exceeding eight thou-

[86]The following is an account of the actual force upon the lakes in the spring of 1817:

British vessels. Lake Ontario.

| | | | | |
|---|---|---|---|---|
| St. Lawrence | can carry | 110 | guns; | laid up in ordinary |
| Psyche | " | 50 | " | " " " |
| Princess | ... | | | |
| Charlotte | " | 40 | " | " " " |
| Niagara | " | 20 | " | unfit for service |
| Charwell | " | 14 | " | " " " |
| Prince Regent | " | 60 | " | unequipped |
| Montreal | carries | 6 | " | transport only |
| Star | " | 4 | " | unfit for service |
| Netley Schooner. | " | 0 | " | surveyor's boat |

Some row boats, 274 gun ships on the stocks and one transport of 400 tons.

Lake Erie.

Tecumseh and New Castle, 4 guns each.
Huron and Tank, 1 each, transports chiefly.

Lake Huron.

2 schooners, 1 gun each; transports only.

Lake Champlain.

12 gun boats, 10 of these laid up in ordinary (C. A. Q. 138, p. 866.)

American vessels.

Lake Ontario.

| | | | |
|---|---|---|---|
| Brig | Jones | 18 | guns in service |
| Schooner, | Lady of the Lake | 1 | " " revenue service. |
| Ship | New Orleans, Rate | 14 | " on stocks |
| " | Chippewa | 74 | " " " |
| " | Superior | 44 | " dismantled |
| " | Mohawk | 32 | " " |
| " | General Pike | 24 | " " |
| " | Madison | 18 | " " |
| Brig | Jefferson | 18 | " " |
| " | Sylph | 16 | " " |
| " | Oneida | 18 | " " |
| Schooner | Raven | 0 | " " |

15 barges each one gun, laid up for preservation.

Lake Erie.

| | | | |
|---|---|---|---|
| Schooner | Porcupine | 1 | gun, transport |
| " | Ghent | 1 | " " |
| Ship | Detroit, rate | 18 | sunk at Erie |
| Brig | Lawrence | 20 | " " " |
| " | Queen Charlotte | 14 | " " " |
| " | Niagara | 18 | dismantled at Erie |

sand pounds a year, while the quantity of stores kept at Montreal and Kingston ever since the war had been "quite enormous" and the loss from waste and decay had been "proportionately great." [87] Second, all this expense was unnecessary. True, the people of Canada had looked to the fleet as one means of defense against the United States; but protection had been increased by the construction of the Rideau Canal and the fortifications at Quebec and Kingston; the line of forts recommended by the Duke of Wellington had gone far to make Canada impregnable.[88] At any rate it was a vain effort to try to maintain a British naval supremacy on the Great Lakes.

The British admiralty, however, were afraid a false impression might be created by a sudden withdrawal of the establishment. Hence, it was suggested simply to cease to repair the vessels. Definite steps were not taken towards decisive reductions till October, 1834.[89] The Admiralty thereby acted in harmony with the general policy of the reform government of that day, but incidentally they removed an obstacle in the way of friendly intercourse between the Canadas and the United States. A few other British statesmen meanwhile were trying to lessen expense and increase international good will by cancelling or decreasing the gifts to American Indians. A greater number of influential British traders and government agents, however, for various reasons, advised their government to continue the granting of these presents. Such traders and agents were a menace to the westward march of the American settlers.

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Lake Champlain.

| | | | | | | |
|---|---|---|---|---|---|---|
| Ship | Confiance, rate | 32 | Laid up | at | White | Hall |
| " | Saratoga | 22 | " | " | " | " |
| Brig | Eagle | 12 | " | " | " | " |
| " | Linnet | 16 | " | " | " | " |
| Schooner | Ticonderoga | 14 | " | " | " | " |
| 6 galleys, each | | 2 | " | " | " | " |

C. A. Q. 188, p. 370.

[87] Barrow to Hay, Dec. 3, 1833, C. A. Q. 210, p. 17, and see Hall's Travels in Canada and U. S. 1817, p. 100 and 101.

[88] Ibid.

[89] Barrow to Hay, Oct. 7, 1834, C. A. Q. 218, p. 52, and see Niles Reg. for Dec. 31, 1831, p. 327.

## IV.

## THE INDIAN MENACE.

While the question of the decreasing of the naval armaments was being discussed in England and in Canada during the year 1816, the discontented tribes of the Northwest formed a confederacy, collected in great numbers about the frontier Canadian posts, and demonstrated by their numbers and their actions that they bitterly resented what they considered American encroachment upon their rights and privileges. An Indian Council met at Amherstburg on June 19, composed of the Hurons, Ottawas, Chippewas, Pottawotomies, Shawnees, Kickapoos and Munsies. Lieutenant Colonel James and other officers of his garrison were also present.

The Indians in this council complained that when they had returned to their old hunting grounds after the ratification of the Treaty of Ghent they had been ordered to depart, with the notice that if they refused, they would be fired upon. It was claimed, they said, that their lands had been sold "from such a latitude to such a latitude." They never sold lands except from some named river or creek to some other river, lake or mountain; and lately they had sold no land at all to the United States. At Detroit a certain Mr. Godfrey, they declared, had ordered them back into Canada, telling them that the United States was their country no longer. They mourned over losses which they had suffered in order to help the British; they had not received the prize money for helping to take Detroit, they had lost all, their horses, cattle, plows, houses. They wanted James to lay their complaints before the government at Quebec and insisted that the British keep their promises to recompense them for losses.[90]

A little earlier in June there met at Drummond Island a tumultuous assembly, composed chiefly of Sioux. There were some four hundred at first, and at least three times that number were said to be on the way thither. According to McDouall, commanding officer at that post, they were brooding over wrongs, indignant because no assistance had been given them, and consequently hazarding the safety of the garrison. Presents of a little powder and other

[90] C. A. Q. 206, p. 301; also Kingsford IX., p. 68.

things, he said, failed to give satisfaction to the Indians but angered the Americans; chiefs of the greatest reputation could not divest themselves of the suspicion that the erection of forts in the western territories meant their complete subjugation if not entire destruction; and the little Corbeau considered the exclusion of British traders as sealing the ruin of the nations. Little Corbeau referred to an act of Congress approved of by President Madison April 29, 1816, whereby none but American citizens was henceforth permitted to trade with Indians resident within the United States.

McDouall had no doubt that a strong confederacy of all the nations on the Mississippi had been formed for the avowed object of resisting American occupation of the West. The Indians seemed to be unanimous in an almost unprecedented degree. They came to the councils, McDouall said, full of the idea of receiving British assistance in securing for themselves possession of their land, rights, and privileges assured to them by the Treaty of Ghent; Americans were blaming the British for fostering a bellicose spirit, whereas Americans themselves were using every art to add to the discontents of the savages, threatening and cajoling them by turns and almost uniformly concluding with the boast that they had driven their English father from among them and would shortly drive him beyond the great Salt Lake. Two months later McDouall informed Sherbrooke that another Indian council had been held. The Indians were more excited than ever. McDouall feared that if they were abandoned by the British now they would become the bitterest of enemies with perilous results to the Canadians—but this was just what the Americans desired. In his opinion the late commercial treaty renouncing British rights to the Indian trade was a most lamentable mistake, because materially and morally the natives had been supplied and cared for by these traders.[91]

Such were the sentiments of the British officer in close contact with the Indians and with his American neighbors. Because of his position on the frontier, his recent task of defending his post against attacks, his habit of looking upon the American as an enemy, his contact with the British traders, and possibly his own personal interest in the Indian trade, we may expect him to have held biased opinions; but it was such men as he who could appreciate the loss

[91] McDouall to Military Secretary June 1, 1816, C. A. Q. 137, p. 12 ff.
McDouall to Mil. Sec., June 17, 1816, C. A. Q. 137, p. 12 ff.
McDouall to Mil. Sec., June 19, 1816, C. A. Q. 137.
McDouall to Mil. Sec., Aug. 7, 1816, C. A. Q. 137, p. 70 ff.

of the good will of the tribes and the consequent danger from a military and from a commercial standpoint.

The men above the frontier officer, however, especially the home government, remote from the scene where the real action was in progress and representing not only Canadian but imperial interests, looked upon all this excitement in the West in a far different light. While McDouall was thus worried, John Quincy Adams was corresponding with the British government, endeavoring, as we have seen, to preserve peace and good will in the West and calling attention to what had been represented to him as irregularities and injustice on the part of certain British officials. Whether this letter from Washington was the motive or not, the British government, both at home and in Canada, used redoubled exertions to appease American anger. Sherbrooke instructed McDouall to repress, by every means in his power, the hostile disposition of the Indians towards the United States and informed Bagot, the British minister in Washington, of these instructions. Sherbrooke further instructed McDouall to intimate clearly to the Indians that no presents would be made to any of those residing within the limits of the United States and directed Sir John Johnson, Superintendent-General of Indian Affairs, strictly to adhere to this regulation on all occasions.[95] Bathurst and Gore entirely concurred with Sherbrooke in the inexpediency of sending presents to the far distance Sacs or other tribes, and Drummond was instructed by them to govern his conduct accordingly.[96]

Nevertheless, contrary to the policy thus dictated, a "few swords, sashes, and epaulets" were purchased and given as a "mark of the estimate of the zeal and bravery of certain Indian chiefs." Sherbrooke, true to his policy, refused to approve of this expenditure with the result that McDouall and McKay who had been responsible for the purchase were allowed to pay the bill out of their own purses.[97] Here again was one of several instances wherein subordinate officers tended to endanger the preservation of the peace while the higher authorities were striving to give no offense to the American government. To prevent further trouble McDouall was again commanded not to communicate directly with any of the United States authorities, but all matters in dispute were to be

[95]Sherbrooke to Bathurst, July 15, 1816, C. A. Q. 186, p. 7. Sept. 20, 1816, C. A. Q.
[96]Bathurst to Gore, July 13, 1816, C. A. Q. 58.
[97]McDouall to Military Secretary, June 19, 1816, C. A. Q. 188, p. 241.

communicated through Sherbrooke.[98] He was once more urged to discourage the hostile disposition of the Indians and to tell them explicitly that the British government would neither countenance nor assist in any action against the American people, and that complaints they wished to bring forward would be promptly attended to and peaceful negotiations would be more likely to obtain reasonable objects than would any act of indiscreet conduct.[99]

The Westminster government, it is clear, did not at this time encourage the Indian in his hostility to the Americans. In fact, it may fairly be conceded that all through this period, there was an attempt to maintain the good will of the American government even though it should tend to the sacrifice of Canadian or Indian interests. The commercial regulations had cut off the British trade within American limits to the injury of the Upper and Lower Canadian trader. Liverpool, Prime Minister of England, openly declared that he had no intention of assisting his former Indian allies even if they were being abused. The Treaty of Ghent, he said, stipulated for the restoration of the Indians to all the territories and privileges which they enjoyed previous to the war, but he assured them it was never intended to offer any guarantee for the repossession of them.[100] Liverpool's own policy therefore was to do nothing towards helping the Indians regain any coveted hunting grounds.

While McDouall was much worked up lest war should immediately break out, Sherbrooke was convinced that the temper and conduct of the chiefs indicated no danger unless they were first attacked.[101] Bagot, like McDouall on Lake Huron, was less optimistic. He had been in communication with Monroe, had informed that Secretary what steps Sherbrooke and the British government were taking to prevent any disturbance, and had assured him that Great Britain would lend no military assistance to the Indians. Monroe tried to quiet Bagot's apprehensions by telling him that the United States intended to build only one fort, the one at Green Bay, where there had always been a fort,[102] and left the impression that the Indians had no grounds to fear American encroachment. Bagot, however, did not believe this. Notwithstanding the assurance from Monroe

[98]Hall to McDouall, July 4, 1816, C. A. Q. 138, p. 327.
[99]C. A. Q. 136, p. 222; C. A. Q. 138, p. 328.
[100]Sherbrooke to Bathurst, Aug. 9, 1816, C. A. Q. 137, p. 68.
[101]Sherbrooke to Bathurst, Aug. 9, 1816, C. A. Q. 137, p. 68.
[102]Bagot to Castlereagh, Aug. 21, 1816, C. A. Q. 138, p. 313.

he apprehended that the alarms of these Indians were in fact well founded and that the building of forts was only a part of a larger scheme by which it was intended gradually to expel or extirpate the Indian from the soil.[103] As a matter of fact, the United States had already planned to extend a line of forts far north and west into the Indian territory.[104]

During the years immediately following this stormy year of 1816 the trouble continued, though it was less violent. Jealous of British influence and rightly so, the Americans were endeavoring to exclude the British entirely from trading with Indians residing within the United States.[105] The Indians, still alarmed at the extension of American posts into the far west,[106] continued to resort to the British posts at Drummond Island, and bitterly complained that the British were neglecting them by not preventing the advance of the Americans. McKay, writing in 1819, still professed to be afraid of the most serious consequences to the garrison at Drummond Island and to the lives of His Majesty's subjects in that part of the country, unless some satisfactory communication were made to the Indians.[107] The Indians to be feared were those warriors who had served the British in 1812 and whose lands are now situated within the United States.

Meanwhile, Cass failed to prevent Canadian agents from trading and tampering with American Indians, and therefore collected affidavits and other material to lay before the administration in London. Thus, London found itself at one and the same time censured by the American ambassador for stimulating insurrection among American Indians and threatened by these same Indians because the British were not providing a sufficiently vigorous and zealous protection against American usurpation of their rights.

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[103]Bagot to Castlereagh, Aug. 12, 1816, C. A. Q. 138, p. 313.
[104]Monroe to Clark, March 11, 1815, A. S. P., I. A. II, p. 6.
[105]Johnson to McNaughten, March 2, 1817, C. A. Q. 328, p. 193.
[106]Dalhousie to Bathurst, Nov. 12, 1821, C. A. Q. 156, p. 407.
[107]McKay to Bathurst, Feb. 15, 1819, C. A. Q. 153, p. 211.

## V.

## THE CANADIANS RETAIN THE INDIANS' GOOD WILL.

The British were anxious to retain an influence over the Indians of the Northwest largely because of the lucrative fur trade.[108] As early as 1754 Green Bay, then garrisoned by only one officer, one sergeant and four soldiers, required thirteen canoes to transport its annual supply of goods and the total yearly trade at this post was worth eighteen thousand dollars.[109] The Northwest Company, founded in 1783, maintained four emporiums in the West—Detroit, Mackinac, Sault St. Marie, and Grand Portage. At the beginning of the nineteenth century Grand Portage alone sent annually 106,000 beaver skins to Montreal, to say nothing of other commodities.[110] This extensive trade carried with it a market for British goods and so the manufacturers in England as well as the French Canadian traders were interested in this old Northwest.

As the Americans pushed their frontier farther North and West, they too became increasingly interested in this trade. A keen rivalry developed between the French Canadians who were already on the ground, and the New York and New England adventurers who claimed jurisdiction over the soil and over the natives. Neither side was conspicuous for any deep or sentimental affection for its competitor. Robert Dickson, a Canadian trader writing in 1814, reveals the fierce spirit of rivalry. He said: "The crisis is not far off when I trust to God that the tyrant [Napoleon] will be humbled and the scoundrel American Democrats will be obliged to go down on their knees to Britain."[111] As early as 1685 New England traders had established posts at Michillimackinac whereupon the French by force and strategy endeavored to drive them out and retain a monopoly of the trade in this region.[112]

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[108]In a report of the Lords Commissioners for Trade and Plantation in 1772 the attitude of the English government was stated in these terms: "The great object of colonization upon the continent of North America has been to improve and to extend the commerce and manufacturers of this kingdom * * * It does appear to us that the extension of the fur trade depends entirely upon the Indians being undisturbed in the possession of their hunting grounds. * * * Let the savages enjoy their deserts in quiet; were they driven from their forests the peltry trade would be decreased." J. H. U. S., Vol. 9, 580.

[109]C. A. Q. 1886, p. CLXII.

[110]J. H. U. S., Vol. IX, p. 581, 595.

[111]J. H. U. S., Vol. IX, p. 589.

[112]J. H. U. S., IX, p. 518, and Sheldon, Early Hist. of Mich., p. 310.

The Indians meanwhile generally preferred to trade with the French or with their successors, the British.[113] With the soil the British seemed also to obtain the good will of the natives. The French in Canada had known how to win the Indians' friendship and respect.[114] Under British regime these same Frenchmen, Coureurs des Bois, still mingled with the natives and both French and Indians turned their allegiance to and looked for protection from their British father. Furthermore the British won influence over the Indians by a display of force. In succession the French and the Americans had surrendered to the British at Detroit and Michillimackinac and the credulous Indian had become impressed with the might and power of the conquerors.

The Indians now needed help, or thought they did. This assistance they sought from the powerful "Redcoats" who instead of trespassing upon the hunting grounds[117] were even extending invitations for the Indians to enter Canada and take up their abode in those unsettled wilds. On the other hand, immigrants from the Atlantic states were both lawfully and unlawfully pressing into the Indian lands of Indiana, Illinois, and Michigan.[118] American-Indian superintendents and agents themselves complained of insufficient power to prevent this illegal encroachment. "Persons are found in the Indian territory," wrote Edwards, "hunting, trespassing, trading without license, or engaged in any other unlawful purpose. Many such offenders pass with impunity while these unlawful visits and intrusions have the most unhappy effect upon the Indians who have repeatedly made them the subjects of their bitterest complaints."[119]

Such encroachments made the Indian hate the American. Calhoun's policy of building military posts in the West in advance of the settlements only increased the discontent because these outposts themselves were considered to be encroachments. Even while the

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[113]A. S. P., Indian Affairs, II, 827 ff.

[114]A. S. P., Indian Affairs, II, p. 70.

[117]Tecumseh's speech to Gen. Proctor at Amherstburg, 1813, reveals a belief among the Indians that the British had promised to help them recover their lands in the Northwest territory. "When the war was declared," said the great Indian captain, "our father stood up and gave us the tomahawk and told us he was now ready to strike the American, that he wanted our assistance, and that he would certainly get us back our lands which the Americans had taken from us." "Summer before last," said Tecumseh in 1810, "when I came forward with my red brethren and was ready to take up the hatchet in favor of our British father, we were told not to be in a hurry, that he had not yet determined to fight the Americans." Schoolcraft: H. of I. T., Vol. VI, p. 851; p. 858. Copied from official military and naval letters.

[118]Schoolcraft, H. of I. T., VI, p. XIII.

[119]Edwards to Crawford, Nov., 1815, A. S. P., I. A. II, p. 68.

Indians ceded lands in councils, there was always an undertone of unwillingness to cede. "The Americans are never satisfied," they declared at one of these councils.[120] Cass and McArthur perceived how displeased the Indians were to give up their lands when, in 1818, it was proposed that the Wyandottes, Shawnees, and Senecas should remove west of the Mississippi. The tribes received this proposition with such strong symptoms of disapprobation that it was deemed expedient to postpone the migration. "The time had not yet arrived," Cass wrote, "for them voluntarily to abandon the land of their fathers . . . . As our settlements surround them, their minds will be better prepared to receive this proposition." [121] Furthermore, the British-Indian department was undoubtedly superior to that of the Americans. The latter themselves, acknowledged this.[122] More care and tact was exercised in the management of Indian affairs; British agents were acquainted with at least one of the native languages and so were not easily imposed upon; a blacksmith was found at every post to make repairs for the Indians;[123] and when military prowess, or invitations to visit and live in Canada, or ordinary management could no longer prevail upon the Indian, a more lavish outpouring of presents was made to compensate. The liberality of British beneficence formed a marked contrast to the paucity of American gifts. The "United States' presents are so small they might as well be discontinued," wrote one American agent.[124]

The Americans, however, were quite as anxious to win the favor of the tribes and were using the same tactics as the British.[125] Harrison's speech in the council at Detroit in 1815 was a direct appeal to the known instincts of the Indians. Thousands of dollars' worth of medals and presents were ordered to be distributed at St. Louis and other places.[126] When any treaty was signed, or when lands were purchased, the Indians were bribed to accede to the wishes of the land-grabbers but there is no instance recorded as far as I have found, nor any complaint made, that the Americans offered presents to nonresident Indians, the crime that was repeatedly and justly charged against the dispensers of gifts at Malden

[120]Schoolcraft, Vol. VI, p. 883. And see speech by Creek chief in Niles Register for June 20, 1829.
[121]Cass to Calhoun, Sept. 18, 1818, A. S. P., I. A. II, p. 177.
[122]A. S. P., I. A., II, p. 85.
[123]Forsythe to Clark, A. S. P., I. A., II, p. 79.
[124]A. S. P., I. A. II, p. 86.
[125]C. A. Q. 333, p. 292.
[126]A. S. P., I. A. II, p. 6.

or Manitoulin. The Americans found too many Indians already. They wanted to expel those they had rather than attract more.

Despite numerous foreign influences and extraneous impediments the citizens of the United States can blame only themselves for a considerable part of their failure to win the affections of these western tribes and gather to themselves the profits from the fur trade. Systematic effort to regulate the Indian trade began in 1786 when the whole territory occupied by the natives was divided into two districts with a superintendent and deputy over each. Only licensed individuals were allowed to trade and foreigners were not permitted to obtain a license till 1790. In 1816 foreigners were again prohibited unless by special permission of the President and he issued instructions to admit foreigners only as boatmen or interpreters.

Meanwhile the factory system had been introduced, but until after the war it had not superseded the earlier mode of carrying on the trade by license. In 1796 the President was authorized to establish trading houses and to appoint an agent at each house to carry on, as the act states, "a liberal trade with the Indians." The original capital of $150,000 and an annual allowance of $8,000 to pay clerks and agents had been increased until in 1811 it stood at $300,000 and an annual allowance of $19,250.[126a] By authority of this act of 1796, renewed and revised from time to time, eight or ten factories under government supervision and regulation were established within Indian territory. Such goods as the Indians might require were here kept and exchanged for furs, or whatever surplus produce the natives might have. These storehouses were intended to serve as a check upon the unfairness or rapacity of the licensed trader and ensure to the Indians a sufficient amount of necessary goods at a fair price.

Just before the war, in 1811, there were in operation ten such factories to supply the needs of the Indians within the limits of the whole country.[127] During the war four of these in the northwestern districts, namely those at Michillimackinac, Chicago, Sandusky and Fort Wayne, had been broken up by the enemy; but when peace was again assured and the United States garrisons had begun to occupy Green Bay and Prairie du Chien, factories were again established to take the place of those destroyed. In

[126a] A. S. P., I. A. II, p. 181ff. Report of J. C. Calhoun.
[127] Mason's Report, A. S. P., I. A. II, p. 68.

the fall of 1815 two were set up at Chicago and Green Bay.[128] Two more were soon in operation at Prairie du Chien and at a place nine miles above Natchitoches.[129] Once this machinery for the supply of the Indian needs was again in operation, the government of the United States made an attempt to throw the Indian trade wholly into the hands of these factories. By an act of 1816 the British trader was excluded from holding any intercourse with the Indians residing within the jurisdiction of the United States. This act was of course antagonistic to the interests of the Northwest Company, who immediately complained that the natives were being deprived of their rights and privileges guaranteed by the Treaty of Ghent.[130]

But complaints came not only from the British or even from the Indians; the factories met with harsh criticism from many of the Americans themselves. As early as October, 1815, Governor Clark from St. Louis declared that the "mode of managing Indian affairs grew more and more imperfect every day" . . . . . and the "decided policy of England, so recently and clearly developed of using the Indian tribes to vex and harass the frontier settlements in time of peace and as active partisans in time of war, ought to admonish the United States to adopt a *more efficient system* of regulating the Indian concerns" than had hitherto been in use. By the existing methods, he said, the tribes were not at that time furnished with what they absolutely required.[131] Similar charges were reported later.

The trouble with the factory system was not that the United States government was trying to make money out of the business. During these years the system was carried on at an annual loss of over $5,000.[132] Undeniably the policy of the federal authorities was to maintain peace and to acquire an influence over the tribes which could be obtained only by generous treatment. Prominent Americans on the floors of Congress advocated a humane and benevolent policy. The earnest desire of the government was "to draw its savage natives within the pale of civilization." American officers on the ground held the same views. The Governor of Michigan Territory at this time favored cash payments of annuities,

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[128]Mason to Crawford, Feb. 9, 1816, A. S. P., I. A. II, p. 68.
[129]A. S. P., I. A. II, p. 127.
[130]J. H. U. S., IX, p. 597. Also McGillivray to Harvey, 1815, C. A. Q. 182, p. 85.
[131]Clark to Crawford, Oct. 1, 1815, A. S. P., I. A. II, p. 77.
[132]Crawford's Report, March 18, 1816, Feb. 4, 1817, A. S. P., I. A. II, p. 127.

because it would be "more satisfactory to the Indians."[183] Nevertheless the Indians were not satisfied with the system introduced into the Northwest.

Even while the act of 1816, providing for the exclusion of foreign traders was under discussion, Mason pointed out the peculiar difficulties which the legislators were partly creating, partly overcoming.[184] He recognized that it would be very questionable whether the amount of supplies heretofore furnished in many parts of the territories by the British traders could, within a short period, be supplied by the American factors. He saw that the "Indian trade required certain associations of local information and habit on the one hand, and of capital and perseverance on the other, which could not be at once matured." If British traders were excluded, not only would the Indians suffer for the want of necessary supplies but they would lose respect for the American government.[184a] It is perfectly apparent therefore that the American government had not been left entirely ignorant of the probable effects of this act of 1816.

As a matter of fact, however, many British traders managed to evade this American law.[185] Statements of such men as Benjamin O'Fallon, Indian agent on the Missouri, and Matthew Irwin, United States Factor at Green Bay, leave no doubt as to the great number of British subjects who continued to trade with the American tribes. Writing from Prairie du Chien in 1817, O'Fallon told of his extreme "surprise and disappointment in meeting with numerous British traders equipped with licenses under the authority of the United States government."[186] Irwin at the same time complained of the number of British subjects licensed by the American Fur Company to trade on the Wisconsin, Upper Mississippi, the Chicago district, and other places.[187] He also pointed out the palpable incongruity of allowing such licenses; the factors were sent to supply the needs of the Indians and yet the Indian agents could adopt measures so as to defeat the plans of the factors.[188] The American Fur Company, backed up, it would seem, by the Secretary of War himself, in 1817 freely granted licenses to men

[183]Letter of Cass, Oct. 21, 1815, A. S. P., I. A. II, p. 75.
[184]Mason to Crawford, March 1, 1815, A. S. P., I. A. II, p. 70.
[184a]Ibid.
[185]J. H. U. S., IX, p. 597.
[186]A. S. P., I. A. II, p. 858-859.
[187]J. H. U. S., IX, p. 597.
[188]A. S. P., I. A. II, p. 259, 860.

who understood how to serve the Company; whether these were citizens of the country or aliens, the Fur Company doubtless cared little.[139] Unlicensed British traders were also numerous. "In fact," Irwin wrote later, "from the prejudices they, [the British traders,] have excited against American traders, the American trade is confined to the British traders . . . . . The Indians are altogether led away by them."[139a] The factor at Green Bay also stated that the British had almost completely monopolized the trade in that vicinity.[140] Many other Indian agents confirmed the statement of O'Fallon: "the Indians cannot be attached to the factories; they have almost abandoned them."[141] "Nine-tenths of the Indian trade," said Crooks, "is not done with the factories, but with private traders . . . . . So small a trade is done at the factories that their withdrawal would not be felt."[142] The factory system therefore proved to be a failure.

Various reasons were assigned for the failure of the factor to gain the favor of the native hunters and trappers. In the first place, he rarely met the Indians except during the process of barter. He did not cultivate intimacy with them and his knowledge of them was proportioned to an intercourse so limited and unsociable.[143] The private trader to the contrary became identified with the tribe which he commonly visited.

A second fault found with the factor was that he too often supplied goods not suited to the Indian.[144] The quality of the goods of the factory at Green Bay was reported to be bad, the blankets and woolen goods particularly so.[145] Both Ramsey Crooks, who was acquainted with the factory system as it was conducted at different periods at Bell Fontaine, Fort Madison, Chicago, Michillimackinac, Fort Osage, Prairie du Chien, Fort Edwards, and Green Bay, and who ought to have been an authority on the question,[146] and Governor Edwards, who was quite as closely connected with the system, regretted that the factories' goods were inferior and

[139]Ibid.
[139a]Ibid.
[140]Letter of August 10, 1818, A. S. P., I. A. II, p. 359.
[141]A. S. P., I. A. II, p. 228-229.
[142]Crooks and Biddle to the Senate, Jan., 1822, A. S. P., I. A. II, 330, 327.
[143]Crooks and Biddle to the Senate, Jan., 1822, A. S. P., I. A. II, 330, 327.
[144]Ibid.
[145]Biddle to the Senate, A. S. P., I. A. II, p. 326.
[146]Crooks to Senate, A. S. P., I. A. II, p. 329, Jan. 28, 1822. "The quality of the Indian goods," he said, "has always been much inferior to the same description of articles furnished by private traders, except, perhaps, during the late war. Gun powder, balls, shot, and the like, are as good at the factories; but the blankets and other drygoods generally have been from twenty-five to fifty per cent inferior to the corresponding articles supplied by individual traders."

admonished the government that its first care should be to obtain goods, particularly the important articles of blankets and cloths, of equal quality to those that were carried into the Indian market by their rivals. This, it was said, "had never heretofore been done in a single instance." [147] No doubt it is true, too, that the more wily private traders taught the Indians to prefer British goods. They told them that all blankets, cloths, ribbons, shawls, jewelry, etc., of common quality were of American manufacture and that the British made only the best; that only American goods were for sale at the factory and that even if the price were lower, the goods were dearer, and very dear considering the quality.[148] This argument hurt the factories and operated not a little in favor of the British.[149] That in general, the Indians considered British goods superior to American must be accepted. But we must not suppose that the factories carried poor goods only. Cass, for instance, just before the factory system was abolished, spoke of some of them as being "very satisfactory" and "very well selected." [150]

Another objection to the factories was that in some places, especially at Green Bay, there was no uniformity whatever in prices.[151] In this matter of price and the quality of the goods it was not easy to deceive the Indians. They were not uncritical and not incompetent judges. They recognized that prices varied at both the factory and among private traders and therefore bought from those who treated them best.[152]

The crowning fault with the factors, however, was that they did not employ the credit system.[153] Credits were actually indispensable because the hunting grounds were more distant than formerly. Indians were obliged to go more than three hundred miles from their villages in order to find their game. They did not have furs previous

[147]Edwards to Crawford, Nov., 1815, A. S. P., I. A. II, p. 65. The following incident emphasizes Edwards' views: "A gentleman of our party," said Captain John B. Bell, in 1822, "had with him what is termed by the Indians a Mackinac blanket, which is of a superior quality of blankets and such as are generally furnished by the British traders at Mackinac to the Indians. Several of the Indian party noticed this blanket and each proposed to exchange his blanket, which was of the same description as those supplied by the United States or their traders, offering at the same time something very considerable in addition. * * * On inquiry, I found that the Indians were under the impression that the blankets, arms, vermillion, etc., furnished them at Mackinac, were of a superior quality to anything received from the American government or procured from its traders." Bell, of Senate Committee, to Benton, Jan. 28, 1822, A. S. P., I. A. II, p. 329.

[148]Sibley, Feb. 3, 1818, A. S. P., I. A. II, p. 368.

[149]Ibid.

[150]A. S. P., I. A. II, p. 426.

[151]Biddle, O'Fallon, and Bell, 1822, A. S. P., I. A. II, p. 326-7.

[152]Crooks and Biddle, A. S. P., I. A. II, p. 331, 327.

[153]Edwards, A. S. P., I. A. II, p. 66.

to the hunt to pay for their goods, and could not return on account of the distance, cold, and dangers to get supplies. These supplies therefore had to be advanced to them or carried to their hunting grounds. The custom of advancing goods on credit dated back to the French régime and was also used by the Dutch and New Englanders.[154] The amount of credit granted varied with the reputation of the individual hunter, from $40 or $50 worth to $300.[155]

Good goods and courteous treatment drew the Indians to the British rather than to the factories. British traders did their best to extend their credit to any hunter who had a fair reputation because a family who had obtained goods on credit sold all of its furs to those who advanced the goods.[156] Out on the hunting grounds, one hundred or two hundred miles from the summer camp, British traders built their cabins alongside those of the hunters, collected furs in payment for advances already given and granted additional credit to those who were prospering in the chase. Even a lower price at the factory before the hunt offered no inducement for an Indian to buy there. Improvident by nature, he had no capital on hand. Well might he think that the attempt of 1816 to shut out those who extended credit was an attempt to injure the red man and not the Montreal merchant.[157]

The first approach of the American factory had been a disappointment to the tribes. British frontier posts had been depots for free gifts to the Indians. When the United States warehouses were carried to the districts approaching Canada the Indians were so firmly of the opinion that the goods deposited there were to be disposed of after the manner of the British that they frequently charged the factors with selling for their own emolument what their great father, the President, had intended as presents. When they found that they were mistaken the "impression became universal" that their American father must be very poor indeed since he sent his goods into their country to be sold for skins as a common

[154]J. H. U. S. IX, p. 602.

[155]Schoolcraft in 1831 estimated $48.84 in goods and provisions at cost price was the annual supply of each hunter. This is confirmed by Turner in J. H. U. S. IX, p. 603 (see A. S. P., I. A. II, p. 64;56). An account from the book of Jacques Polier at Green Bay, in 1823, shows that the Indian Michel bought on credit in the fall, cloth, $16; trap, $1.00; cotton, $3.12½; powder, $1.50; lead, $1.00; bottle of whisky, fifty cents; and other miscellany; making a total of about $25. This was paid for in the spring by muskrat skins, a foxskin, and maple sugar, to the full extent, but the trader usually expected to get at least one hundred per cent profit upon the credit transactions (see J. H. U. S. IX, p. 608).

[156]Edwards, A. S. P., I. A. II. 64, 66.

[157]Edwards, Nov., 1815, and Forsyth, A. S. P., I. A. II, pp. 64, 79.

trader had bought his goods. While England's king by unanimous consent received the appellation of father, the President of the United States was degraded to the level of a common adventurer.[158]

The American trading houses themselves not infrequently played into the hands of the British. The British traders bought goods from the factory at Chicago through an Indian friendly to them, it might be, and then the British traded these goods with the Indians for furs. Thus an enterprising Canadian trader whose stock of English goods had become exhausted might, nevertheless, collect a big load of furs to sell in the Eastern or European markets.[159]

Against such odds the trading post system, backed up though it was by such friendly supporters as Jefferson and Calhoun, could not but fail. Calhoun tried to improve the system by organizing a still bigger trading post business with a complete government monopoly managed by a private company.[160] Benton and the American Fur Company, however, were bitterly opposed to this plan. They declared the system bad, both as a civilizing and as a Christianizing influence.[161] In the first session of the seventeenth Congress, 1822, it was at last abolished. The trade was then left entirely to private enterprise, but until the Indian moved far beyond the Mississippi the British trader maintained his hold on the old Northwest territories as hitherto, and furs continued to pass down the St. Lawrence.

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[158]Crooks to Senate, Jan. 28, 1822, A. S. P., I. A. II, p. 881.
[159]Ibid.
[160]A. S. P., I. A. II, p. 181, 184.
[161]A. S. P., I. A. II, p. 881, 417.

## VI

## INDIAN PRESENTS.

Long before 1815 the Indians were accustomed to receive presents from those who had any traffic with them. Traders had purely commercial and selfish ends to serve. It was otherwise with the civil and military powers, who in the second, third, and fourth decades of the nineteenth century continued to bestow gifts not only upon the resident Indians, but upon those who lived beyond their borders. They defended their action on the ground of gratitude, of usage, of pledge, of policy, and of necessity.[164] It can scarcely be doubted, however, that the chief motive for continuing to give presents was that the British wanted to retain a dominating influence.

Almost as soon as the Treaty of Ghent had been signed, Bathurst wrote to Drummond: "You will not fail to make liberal presents to the Indian tribes who have coöperated with us."[165] There was not necessarily anything insidious in this. The Indians then were with or near the British army. It was not a matter of bribing Indians who lived in the United States; it was merely a partial payment of an honest debt, and as such could not be offensive to the United States. It was not these first gifts but the later ones that caused trouble. When Provost made an announcement of the Treaty to the Indians, he definitely promised that the presents sent to the frontier posts should not be diminished. His military officers at Malden, Michillimackinac, Drummond, or Manitoulin Islands were chiefly responsible for the extension of this kind of favor and on many occasions it will be observed that it was these military officers in Canada rather than the civil officers and rather than the distant British government who realized the need of maintaining the Indian as an ally. Every action on the part of the Colonial Office was an effort to prevent renewal of war. Compromises in the boundary dispute, disavowal of the deeds of frontier officers, orders to cease sending presents, all bear out the statement. But

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[164]Caldwell to Claus, Dec. 20, 1815, C. A. Q. 320, p. 155.
When the Indians' allowance had been curtailed in the preceding years, the Indians had committed depredations as the Prophet had predicted.

[165]Bathurst to Drummond, Jan. 10, 1815, C. A. Q. 320, p. 57.

certain minor officers often brought the two nations to the verge of serious conflict.

Not content with supplying presents to the Indians who came to his frontier posts, Drummond in the fall or winter of 1815 and 1816, even suggested the advisability of sending some to the Indians residing on the Mississippi. He did not wish, he said, to foment discord between Canada and the United States, for his desire was quite the opposite; but faithful services should be remembered and promises should be kept.[166] It is difficult to perceive how Drummond could convince himself that the sending of goods across American territory to Indians residing within American limits would not excite American hostility. Did Drummond really imagine that the Indians might cause trouble—as Caldwell reported them to have done before—if presents were not forthcoming and that this was a means of preserving peace within American jurisdiction?

Happily, Drummond's proposal was not acted upon. Gore referred the matter to Bathurst but informed Bathurst that according to information from the Indian Department it was not customary to send presents to these Indians even in time of peace, and now, while the United States were so extremely jealous of intercourse with those residing in their territory, there would be great risk of the presents being seized in transit.[167] There is no doubt that Drummond as well as Gore did not want to excite another American conflict, but Drummond saw the necessity of alliance with those who had helped, and might again be called upon to help, his forces. Gore recognized more acutely the delicacy that was necessary in dealing with non-resident tribes.

In May, 1816, the management of Indian affairs, which had been a department of the civil administration in Canada, was transferred to the military department, and Drummond, therefore, was left more free to carry out his plans.[168] Bathurst, however, favored Gore's prudent policy rather than Drummond's proposal, and accordingly ordered no presents to leave Canada.[169] Sir J. C. Sherbrooke, who landed at Quebec July 11, 1816, as Governor of Canada, instructed both McDouall and the superintendent of Indian Affairs to pacify the Indians and clearly to announce to them that no presents should be made to any residing beyond the British jurisdiction.[170] There

[166]Drummond to Gore, March 2, 1816, C. A. Q. 320, p. 79.
[167]Gore to Bathurst, March 20, 1815, C. A. Q. 320, p. 78.
[168]C. A. Q. 320, p. 337.
[169]C. A. Q. 320, p. 58.
[170]C. A. Q. 320, p. 136-7.

can scarcely be the shadow of a doubt that the protest of Adams in the spring of this year was partly responsible for these instructions. The Colonial Office was aware of the dangers it was running in further irritating the settlers of the Northwest.

In spite of these spasmodic efforts of Bathurst and others in 1816, the giving of presents to the visiting Indians was not suspended. Cass, who bore the burden of maintaining order and furthering the prosperity of Michigan, felt the evils of this practice more immediately than any other American officer. By 1818 he had grown weary of the persistent efforts of certain foreign agents to influence the Indians against his own countrymen. He, therefore, busied himself collecting affidavits and other material so that Calhoun might file in the British Foreign Office a carefully detailed and formal protest. In August, 1819, he told Calhoun that a radical change was necessary in the policy of the United States upon the subject of the relations existing between the agents of the British government and the Indians residing within the United States. He had numerous and grievous charges to make against these agents, but it was very difficult he said, to produce definite proofs because all written communication was excluded and the language was figurative. Large quantities of clothing, arms, amunition and trinkets, were annually distributed to American Indians who were invited to Fort Malden. On their way to Malden these Indians stole from and abused American citizens, thus keeping the frontier in a continuous state of alarm. It was impossible to punish the Indians. They escaped rapidly. Lately, he said there had appeared among them a morbid sensibility and restlessness, without any assigned cause, all of which he blamed to the British agents. He feared there was an intention of reviving the plans and policy of Tecumseh and of forming a general confederacy. Just then there was at Malden a large party of Sacs and Foxes, bitter enemies of the United States, and the greater proportion of the Indians on the eastern side of the Mississippi made annual visits there. To prevent this, he urged the United States government to put an effective stop to the giving of presents. The British had no reason to give them, he maintained, for they had bought no land and owed no annuities; it was not a debt nor the price of services justly rendered, and to assign any philanthropic motive was perfectly farcical. The obvious motive was to acquire and preserve an influence which might be exerted if future circumstances should render it expedient.

That a foreign power should thus subsidize a people living on the soil of the United States was to Cass most incompatible with the honor of his country and therefore only two courses were open to allay the feverish excitement among the Indians and teach them not to look to the British for counsel and protection. The first was a firm remonstrance to the British government; the second, to prohibit any Indian crossing the river into Canada or from passing to the island of Michillimackinac.[172]

Two months later Cass again wrote that he was convinced that at least three thousand Indians had visited Malden in 1819 and that the quantity of goods exceeded anything hitherto received for the same term either in peace or in war. The recipients of these goods he said, were most influential of the tribes and had come from the far Mississippi. As far as he was concerned he would prohibit the Indians from crossing into Canada and would send out instructions to his troops and to the interpreters to make this order known to the Indians. Under the present conditions he declared, it was vain to elevate the Indian socially or morally and it was equally ineffectual to exclude British traders while the Indians could supply their wants gratuitously from foreign storehouses.[173]

Whitney reported that one old chief, bearing a reputation for veracity, had divulged the secret of a conspiracy that was being hatched. The fiery, unbridled imagination of the chief; the alarm and anxiety aroused in the minds of Godfrey and of Whitney, sufferers from the Indians, and consequently from those whom they believed to be intriguing with the Indians; the fourfold repetition of the story; these are factors that must be considered. The story might easily have been an exaggeration and its origin is certainly doubtful, but let the story originate where it may, the repetition of this particular "conspiracy" by Cass shows the spirit with which some of the people of Michigan regarded their neighbors across the Detroit River and how eagerly they would support Cass in his attempt to exclude foreign influence.

The conspiracy said to have been told by the chief to Godfrey and by him to Whitney was this: The King of England, in conjunction with the Spaniards, the Negroes, and the Indians of the

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[172]Cass to Calhoun, Aug. 8, 1819, C. A. Q. 156, p. 38.

[173]Whitney to Cass, C. A. Q. 156, p. 313. Whitney corroborated the statements made by Cass both as to the apparent abundance of the presents in the last year and to the effect these were producing upon those who came to get them. The savages were being drawn closer and closer to the British, they being much more liberal than the Americans in the distribution of ammunition, etc.

South, was to join with the Indians from the Northwest and take from the Americans the lands from which the Indians had been expelled. For the present the dispossessed natives were cautioned to return home to their villages without causing any disturbance and wait in readiness until another talk should be sent to them. Hostilities would probably be begun in the fall or early the next spring. These things were to be confidential among the chiefs and old men. Their young men, therefore, had not been informed of them. Godfrey was convinced by the statements and reputation of the chief that the talk had actually been made to these old chiefs and that the simple Indians believed it. At any rate the Indians were unusually insolent this summer. Doors had to be kept locked; otherwise they would enter a house, and once in, it was impossible to get them out without using violence, a means which was dangerous.[174]

By such documents as these Cass endeavored to prove that the British agents were annually distributing presents with a lavish hand; that the purpose was to acquire an illegitimate influence; that the immediate effects were depredations all along the routes leading to the British distributing points; that the increasing number of recipients were becoming more discontented and excited, and were likely to join in a confederacy and rebellion; that the critical condition of the Indians and the danger to the citizens of Michigan called for immediate and decisive action.[175]

This report from Cass reached Downing Street in the spring of 1820 and Bathurst, taking up the matter, requested the Canadian officials to make investigations.[176] At the same time he commanded these officials to reduce the distribution of presents and to take every precaution not to give offense to Cass or his people. The commander of the Canadian forces, Dalhousie, in January, 1821, replied that he had investigated the charges made by the United States minister. The acting Superintendent of the Indian Department at the point in question had been interviewed and was perfectly satisfied that the complaints of Cass were utterly unfounded and the circumstances greatly exaggerated. The policy of maintaining a friendly intercourse with the Indians was, in the opinion of Dalhousie, too long established, the harmless commercial interchange of furs for trifling articles of British manufacture of too

[174]Cass's Report, October 9, 1819, C. A. Q. 156, p. 33 ff.
[175]Cass's Report October 9, 1819, C. A. Q. 156, p. 33 ff.
[176]Planta to Goulburn, March 3, 1820, C. A. Q. 156, p. 31.

old a standing and the affection of these wandering tribes towards their great father too deeply engraven in the hearts and on the records of those people to admit of any marked change of conduct towards them. Nevertheless, he would guide himself strictly in the line Bathurst had pointed out; maintain a quiet and friendly relation as far as possible with all parties; reduce the distribution of Indian presents as far as consistent with the friendly civilities hitherto shown; and avoid giving any encouragement beyond what that civility had by length of time made necessary.[177]

The protest of Cass had once more an effect but only a half hearted one. Again we see the British foreign office anxious to preserve peace, and the Canadian military officers anxious to retain their old-time ally. The Indian presents were to continue. The Indian tribes would therefore tramp across American territory and commit crimes along the way. Surely the Canadians could not have been blind to the fact that the American settlers suffered by the Canadian presents and if they were not blind they were morally bound to take measures to prevent the mischief.

A few months later Dalhousie once more assured Bathurst that the presents were "distributed with due propriety" and the Indians were "satisfied." He didn't forget, however, to inform Bathurst on the same occasion that the Americans were continually extending forts farther west. Alarm was intensified by this and by the report that of the whole military force of the United States, by far the greater part was concentrated on this northwest frontier. It was reported, too, that the Americans were increasingly anxious to secure the good will of the native tribes.[178] Dalhousie therefore urged the propriety of placing a post at the Falls of St. Mary, the key to Lake Superior, and of strengthening other posts—another evidence of the care taken by the Canadian armed forces to keep up the defenses of the frontier, to display power in the presence of the Indians, and, despite the precautionary measures of distant cabinet officers, to keep these Indians on their side.

The London government, however, continued to interfere in this western problem. The expensiveness of the Indian department, the slow progress in the civilization of the Indian, and the continued irritation of the Americans along the frontier called for further inquiry in regard to the possibility and practicability of re-

[177]Dalhousie to Bathurst, Jan. 17, 1821, C. A. Q. 157, p. 86.
[178]Dalhousie to Bathurst, C. A. Q. 157, p. 407.

form. Horton, Under-Secretary of State for the colonies, was anxious to receive a correct account of the number and condition of the Indians, of the annual amount of the presents, for what proportion of this annual distribution the government was bound by contract, whether reductions could not be made without a breach of faith and whether the Indian funds could not be expended in a manner better calculated to foster a higher civilization.[179]

Gore's successor, Lieutenant-Governor Maitland, answered his questions, declaring it not only to be inconsistent with fairness and honesty, but poor policy to reduce this amount.[180] Small reductions had in some instances already been made within the provinces but invariably these had produced pernicious effects. Maitland, like Dalhousie, seemed to forget that while the Indian was favored by British magnanimity, the settler in Michigan was injured. The governor's disapproval in this case did not prevent a continuance of the agitation for reform. Suggestions were made that the presents should be confined to useful things only and such objects as would encourage the unsettled wanderers to establish homes and till the land.[181]

In September, 1828, Sir James Kempt assumed the government of Canada and immediately set to work to solve the problem. He held a consultation with his most experienced officers and stated his policy. He would proceed slowly at first but intended to introduce radical changes later. He deemed it expedient to divide the Indian department between the two provinces, still keeping both under military control.[182] He would make the Indians more prosperous and cultivated, keep them on friendly terms with the United States but nevertheless attach them more firmly to his Britannic Majesty. His scheme was to commute the annual presents for something more substantial by taking advantage of what he thought to be a growing inclination on the part of the tribes at this time to settle down. He would collect them in considerable numbers and establish villages on Canadian soil; afford them assistance in building houses, procuring seeds, implements, etc., and commute where practicable all presents for these things. He would provide active, zealous, Wesleyan missionaries from England to counteract the objectionable principles which the Methodist missionaries from

[179]Horton to Maitland, C. A. Q. 333, p. 290.
[180]Maitland to Horton, November 20, 1823, C. A. Q., 333, p. 292.
[181]Hill to Horton, C. A. Q., 167, p. 181.
[182]Kempt to Murray, Feb. 22, 1829, C. A. Q. 187, p. 431.

the United States were supposed to instill into the minds of their Indian converts.[183] Colborne was very much in favor of Kempt's ideas.

This was not the first time since 1815 that the plan of settlement and a commutation of presents had been suggested as a means for attracting the allegiance and the presence of the Indians from the United States to Canada. Even within a year after the peace, Norton had made a similar proposition.[184] This scheme of Kempt's —and of Head, who also supported it—was, however, doomed to failure from the very nature of the Indians. These people had no inclination to engage in agriculture and those who did come to Manitoulin at the suggestion of Head found the soil too poor. Many of the tribes who lived in the United States and there received annuities knew that if they moved to Canadian territory they would have to relinquish the presents, and therefore stayed on the other side.[185]

At the very time Head was planning to bring the Indian tribes over to Canadian soil, the American government was formulating and carrying into effect its scheme of settling these tribes as rapidly as possible west of the Mississippi. This in itself might ultimately have closed the question of Canadian presents; for the increased distance and the extra exertion required in traveling would have prevented the Indian from coming so far to receive so paltry an amount of blankets or powder. But not all the northwestern tribes would be induced to leave their old-time hunting grounds, and still the question of presents continued. During Kempt's administration Drummond Island was evacuated and the presents which had been distributed from that point were henceforth issued from Penetanguishene. Other points, such as St. Joseph's Island and Manitoulin, in turn laid claim to be the most satisfactory point, that is of being "most convenient for the Indians," which in itself shows how anxious the agents were to cater to the taste and good will of the Indian.[186]

In regard to the number of those whose representatives received presents from Malden or the northern post, it is difficult to give an accurate estimate. Schoolcraft, from his intimate connection with the Indians, is undoubtedly as reliable an authority as any. At the

[183]Kempt to Murray, June 10, 1829, C. A. Q. p. 98, p. 110.
[184]Norton to Colborne, Dec. 1, 1815, C. A. Q. 135, p. 876, 881.
[185]Schoolcraft, VI, p. 468.
[186]Kempt to Murray, C. A. Q. 189, p. 98.

outbreak of the war in 1812 he believed that there were in the Northwest approximately 41,000 distributed as follows:[187]

| | Warriors. | Total. |
|---|---|---|
| Wyandottes of Ohio and Michigan | 600 | 2,500 |
| Shawnees of Ohio, Michigan and Indiana | 120 | 600 |
| Senecas of Sandusky | 100 | 500 |
| Delawares of Indiana | 150 | 750 |
| Ottawas of Maunee | 80 | 400 |
| Ottawas of Michigan | 400 | 2,000 |
| Saginaws | 240 | 1,200 |
| Pottawatomies of St. Joseph and Lake Huron | 100 | 500 |
| Pottawattomies of Chicago and Illinois | 400 | 2,000 |
| Chippewas of Lake St. Clair and Huron | 1,000 | 5,000 |
| Chippewas of Lake Superior and the region north to the Lake of the Woods and to the Mississippi | 2,000 | 10,000 |
| Menomonies of Green Bay and Fox River | 600 | 3,000 |
| Winnebagoes of Western Michigan and Wisconsin | 1,000 | 5,500 |
| Miamis, Weas and Piankeshaws | 900 | 4,500 |
| Sioux and other bands from west of the Mississippi and visiting and roving Indians at large | 600 | 3,000 |
| | 8,390 | 41,400 |

In 1829 the report issued by General Porter, American Secretary of War, estimated the Indian population in the Northwest at about 52,000.[188]

There was, then, a more or less fluctuating and nomadic body of 40,000 or 50,000 Indians within these territories. On account of location or distance many of these were beyond the range and influence of their foreign benefactors. At this time, however, we must remember that the white population west of Ohio was extremely sparse. Indiana and Illinois began to fill up with astonishing rapidity after the war; but in Michigan there were probably not more than two or three thousand in 1815, the population for another decade grew very slowly, and many of these settlers were French or halfbreeds. The presence therefore of so many wandering and discontented Indians was a serious menace in the western part of this Northwest Territory.

[187] Schoolcraft V., p. 708.
[188] Schoolcraft III., p. 591.

It is also difficult to state precisely what was the total annual or per capita value of the presents distributed to the nonresidents. The statement of McDouall[189] in 1816 that the "little powder presented to them does not please the Indians, but is blazened over the United States as supplying them with the means of war" minimizes the value just as the report of one who had made a tour of the border in 1817 greatly exaggerates the quantity when he stated that from £100,000 to £150,000 were expended annually.[190] A little care must be exercised also to notice whether the word "present" in British documents refers to gratuitous gifts or to payment for land cessions for all passed under the name of presents.[191] Moreover, the word "pound" sometimes means pound sterling, sometimes pound currency, a much smaller amount.

One fact, however, is at once patent, namely, that the goods given to the tribes after the War of 1812-1815 averaged half as much again as the value of those given before the war. During the years 1807-1811 inclusive, the average amount so expended by the government in Canada was about £12,500.[192] By 1823 this had been increased to £23,500, £4,500 of which were paid for land cessions and the remainder, £19,000, for free gifts.[193] But these sums, £12,500 and £19,000, were expended on presents for the resident as well as the visiting Indians.

During the first decade, after the war, when the Americans began to feel the pernicious effect of Canadian generosity Cass took pains to obtain an estimate of the value of the presents given to the tribes. His report computes the average value given to man, woman, or child at $10.00 worth of goods.[194] The general testimony of the Americans consulted by him is that the Indians were "never before supplied so abundantly."[195] Ten dollars was, therefore, considered in 1819 as a larger gift than usual.

We might be led to suppose that Americans would have a tendency to exaggerate the amount of these gifts, but Canadian records verify these estimates. In 1828 the presents to visiting Indians averaged about £2 each.[196] Cass, therefore, was probably quite correct in his $10.00 estimate for the decade earlier. Kempt,

[189]McDouall to Military Secretary, June 17, 1816, C. A. Q. 187, p. 15.
[190]C. A. Q. 323, p. 42.
[191]Maitland to Horton, Nov. 20, 1823, C. A. Q. 333, p. 292.
[192]C. A. Q. 314, p. 25 ff.
[193]Maitland to Horton, Nov. 20, 1823, C. A. Q. 333, p. 292.
[194]Walker to Cass, 1819, C. A. Q., 156, p. 60.
[195]Knaggs to Cass, C. A. Q., 156, p. 63.
[196]Wilson to Hay, C. A. Q. 375, p. 381.

anxious to modify the prevailing system, made somewhat careful investigations to find out the exact state of affairs.[197] He was informed that for the year 1830 the total value of the presents distributed in Upper Canada, not including £4,426 paid for land cessions, was computed at £21,903, 17s. currency.[198] This was the retail or merchant's value. They cost the government of Canada only £13,142, 6s. 3d. currency. The total number of Indians, including those residing within the United States who received these presents, was computed at 17,766. The average value of the presents to each person was, therefore, approximately 25s. currency, retail value. If the value of the goods delivered to each visitor was less than that in 1828, we must remember that this was in keeping with Kempt's policy of retrenchment.

The number of Indians who resided in the United States and who received presents by making visits to Amherstburg or Drummond Island was, in 1830, according to Kempt's report, 4,073. Not only had the value of the presents given to each individual decreased during the first two years of Kempt's regime but the number of visiting Indians was also smaller. Wilson stated that 3,500 non-residents came to Drummond's Island alone in 1828[199] and Cass, whose figures are based upon observation from the American side. declared that in 1818 as many as 3,000 had crossed over to Malden. Still he admitted that was an unusually large number.

Routh, of the Canadian Commissariat department, gives us perhaps the most definite and reliable estimate of the number and location of the Indians who came to the government storehouses for their annuities.[200] The following is Routh's statement for the year 1833.

"At Amherstburg:

VISITING INDIANS.

| | | |
|---|---|---|
| Chippewas ..... | 1600 | residing in Michigan and Ohio. |
| Ottawas ..... | 900 | residing in Michigan. |
| Pottawatomies ..... | 500 | residing in Ohio and Michigan. |
| Shawnees ..... | 260 | residing in Michigan. |
| Six Nations ..... | 240 | residing in Michigan. |
| Hurons ..... | 250 | residing in Michigan. |

[197] Kempt to Colborne, 1830, C. A. Q. 204, p. 169 ff.
[198] At that time the Indian Department was limited to £20,000 for presents exclusive of land payments.
[199] Wilson to Hay, C. A. Q. 375, p. 381. Wilson further stated that a great number of these had sold their lands to the United States and were now regularly living further west and hunting largely to the advantage of the American Fur Company.
[200] Routh to Stewart, March 7, 1834, C. A. Q. 218, p. 168.

Munsees ..... 40 residing in Michigan.
Sawkees ..... 210 residing along Lake Superior.

Total .....4,000

RESIDENT INDIANS.

Chippewas .....1,226
Total visiting and resident .....5,226

"The number of visiting Indians is not always the same but does not exceed the above.

"At Penetanguishene:

VISITING INDIANS.

Ottawas and Chippewas, about .....3,000
(The first all in United States, the latter chiefly.)

RESIDENT INDIANS.

"At Penetanguishene, about ..... 400
"At York, resident Indians .....2,596
"At Kingston, resident Indians ..... 572

Total .....11,794

See notes 199 and 200 on next page.

From the United States .....7,000
Resident in Upper Canada .....4,794

Nearly three years later, in 1836, Head, the Governor of Upper Canada, made another report. The average number of Indians from the United States, he estimated at 3,270 and the value of the presents annually issued to those Indians £4,000, both figures being about twenty per cent lower than Kempt's estimate for 1830.[201]

All the foregoing figures regarding the number of Indians are necessarily unreliable. The statement of Cass (1819), Wilson (1828), and Routh (1834) would place the total number of visiting Indians as high as 6,000 or 7,000. Kempt's estimate, in 1830, is about two-thirds of this number and Head's, of 1836, a little more than half. The numbers necessarily would vary from year to year. The total value of the presents as well as the value per capita would also vary. We may be justified, however, in accepting as the average individual's present from twenty-five to forty shillings currency and from £4,000 to £5,000 as the average total. The reports of Routh, of Cass, and of Schoolcraft show that Malden,

[201]Head to Glenelg, 1836, C. A. Q. 391, p. 214.

rather than Northern Lake Huron, became the metropolitan center for distribution.[202]

To return to the controversy in Canada as to whether these presents should be continued after 1830: Proposals to reduce them were persistently made by the British Foreign Office and were as persistently met by stubborn resistance. Some colonials as well as Englishmen opposed the Canadian policy. As early as 1817 a protest was made by one who had traveled along the frontier and believed that there were thousands of pounds annually and uselessly expended. The fine cambrics, Irish linens, etc., which were given to the Indians were rarely seen upon them. The Indians made promises to the Americans when coming to Canada that they would return by the same route. Their goods were then exchanged for a little Yankee rum.[203] Vigorous protests against the Canadian policy were submitted from time to time.

Wilson reported in 1832 that neither Canada nor the visiting Indians were being benefited by the distribution of presents. The Indians visiting Drummond Island and receiving Canadian presents straightway crossed the channel, he said, and, following the old custom, exchanged a great part of their presents for liquors. He also observed that several children came to the Canadian post from a missionary school at Michillimackinac. Upon visiting this school he found that the children were being taught principles antagonistic to the British, and Canadian presents were supporting an institution which was disseminating a veneration for the United States and a dislike for monarchy.[204] At Amherstburg he found the service equally objectionable. At Grape Island the Indians were altogether under the management of an American Methodist missionary from Pittsburg. He therefore recommended the gradual reduction not only of the Indian presents, but of the whole expensive Indian department. Routh, also, in 1834, questioned the expediency of giving presents. The assistance of the Indians, he thought, might be obtained by other means if the occasion demanded it.[205] Colborne, however, desired the continuance of British generosity and argued that no diminution of the presents should be made because if this were done, the Indians would not take their laborious journey to obtain them. When their active coöperation

[202]Schoolcraft, vol. VI., p. 449.
[203]December 8, 1817, C. A. Q. 328, p. 342.
[204]Wilson to Hay, Jan. 5, 1832, C. A. Q. 375, p. 281.
[205]Routh to Stewart, March 7, 1834, C. A. Q. 218, p. 168, ff.

was necessary the British had cringed before them. It was his opinion that they could not cease to give now without forfeiting their self-respect; they could not so easily get rid of an inconvenient debt.[206] The Northwest Company likewise recommmended the continuance of a liberal supply of presents.[207]

In the meantime a committee of the British Parliament reported that the expensive Indian department must be reduced, if not entirely abolished. This called forth more arguments from the adherents of the old system. Stewart of the Colonial Office was again informed in October, 1835, that the time had not yet come when it was either expedient or just to abolish the department, the well worn arguments of pledge, custom, the keeping of faith, etc., being brought into play.[208]

The British Foreign Office nevertheless still kept up its efforts. Early in 1836 Glenelg informed Head that he believed it would be a breach of faith, unjust and impolitic, to withdraw the presents suddenly, but he could not say they should be indefinitely perpetuated. He wanted to know if the free consent of the Indian could not be obtained for the commutation of presents for money or for the immigration of non-residents to Canada. Nothing, however, should be done which would not be for the permanent benefit of the tribes. Consistently with Canadian policy, Head replied to Glenelg that the presents could not be refused. Promises had been invariably made never to desert the Indian. No restrictions had been made in regard to domicile. He did not deny that it might be considered almost an act of hostility for the British government to give presents of guns or powder to a people with whom the United States were then engaged in civil war, but he said that the Americans themselves gave arms to the Indians. In compliance, however, with the desire of the British Foreign Office he hinted to the Indians in a great council at Manitoulin Island that it would be unfair to the Americans to give presents to the Indians living in the United States after three years, but he would continue to give them, if they resided in Canada. This proposal seemed to be received without much disapprobation and Head therefore thought that a declaration to this effect might be formally made to the tribes within a very short time.[209]

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[206]Colborne to Goderich, Nov. 30, 1832, C. A. Q. 374, p. 911.
[207]McGillvary (N. W. Co.) to Harvey, April, 1815, C. A. Q. 182, p. 85.
[208]C. A. Q. 224, p. 217.
[209]Head to Glenelg, Nov. 20, 1836, C. A. Q. 391, p. 216.

In the early part of the year 1836 there had been an intention to discontinue the issue of presents from Amherstburg. The Lieutenant-Governor of Canada, however, prevented this. Upon hearing of this action the Lords of the Treasury ordered an investigation. Then two months later they approved of Head's proposal to discontinue the issue to non-resident Indians after three years.[210]

The Mackenzie-Papineau disturbances of 1837 and the hard feelings engendered against the United States by many Canadians on account of the sympathy and support the conspirators received from Americans had a tendency to prolong the friendly gifts to the Indians. Military officials were in favor of this; but sympathetic and well meaning men like Ryerson, still argued on behalf of the Indian. The services of the Indian during the rebellion of 1837 and 1838 demanded additional rewards.[211] Indian presents were therefore ordered in 1839 as usual.[212] By 1840, however, the end was in sight, it being decreed that after a limited period presents should cease to be issued to visitors from the United States.[213]

Thus ended a policy which had for its recommendations as far as the British were concerned the keeping of pledges, the recognition of gratitude, the relieving of wants, and chiefly the preservation of the allegiance and good will of the Indian; but a policy which had for evils the maintaining of an expensive institution for the procuring and distribution of the presents, the irritating of American citizens, and the depraving of the Indian. The visitors were continually made to feel that the United States were not treating them fairly, and that the British were their only true friends. Besides this, they suffered actual material losses on account of their long journeys from the Mississippi to the Canadian frontier. These losses were scarcely compensated for by the few dollars' worth of goods, a large percentage of which was squandered in border grogshops.

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[210]Spearman to Stephens, Feb. 9, 1837, C. A. Q. 240, p. 211; and see Glenelg to Head Jan. 20, 1837, C. A. Q. 78.

[211]C. A. Q. 42; The Indians of Caughnawaga valiantly collected at the village, November 4, 1838, against the rebels. Glenelg sent the Queen's thanks and advised rewards.

[212]Normanby to Colborne, April 28, 1839, C. A. Q. 42.

[213]Russel to Sydenham, Jan. 30, 1841, C. A. G. 51.

## VII.

## APPREHENSION OF AMERICAN AGGRESSION.

During the eighteenth and the early part of the nineteenth centuries the average English minister or legislator was without doubt woefully ignorant of American people and affairs;[214] but in the Revolution and the War of 1812 British regiments and British vessels had suffered sufficiently for them to realize, in part at least, the strength and danger of their independent offspring.[215] Coupled with this appreciation of the growing power of the young republic, there was in the United Kingdom and her dependencies a deeply rooted fear that they who had hoisted the Stars and Stripes over the thirteen original colonies and who had carried it across the Alleghanies and even to the vast regions beyond the Mississippi would not be content until that flag waved over the Canadas and maritime provinces. Long after the close of actual hostilities of 1814 there lingered the suspicion, which had originated before the war and was confirmed by the proclamation of Hull, that the people of the United States were "influenced by a spirit of aggrandizement not necessary to their own security but increasing with the extent of their empire." During the negotiations at Ghent in 1814 the British commissioners gave no undisguised expression of this suspicion. They declared it was "notorious to the whole world that the conquest of Canada and its permanent annexation to the United States was the declared object of the American government." [216] The American plenipotentiaries denied this; but mere denials by treaty makers would scarcely convince a people who had read certain American boasts of 1812.

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[214] For the ignorance concerning Canadian affairs see Gourlay's address to the resident land owners of Upper Canada, Feb. 1818, C. A. Q. p. 324, p. 26; Musgrave to Bannister, Oct. 11, 1822, C. A. Q. 334, p. 133; Lord Durham's Report, p. 72.

[215] Hart Davis, British H. of C. April 11, 1815; Hans. vol. 30, p. 501.

[216] "It is notorious to the whole world that the conquest of Canada and its permanent annexation to the U. S. was the declared object of the American government. * * * That of late years at least the American government has been influenced by a very different policy, by a spirit of aggrandizement not necessary to their own security but increasing with the extent of their empire, has been too clearly manifested by their progressive occupation of the Indian territories, by the acquisition of Louisiana, by the more recent attempt to wrest by force of arms from a nation in amity the two Floridas, and lastly by the avowed intention of permanently annexing the Canadas to the United States." A. S. P. For. Rel. vol. III. p. 713, ff. (Brit. Plenipotentiary to Amer.)

In Canada not a few looked upon the Americans as their natural enemies and then exaggerated the real danger of a renewal of hostilities. Traders, travelers, soldiers, and politicians were among those who fancied they could see the Americans lying in wait to lay their hands upon Canada. The representatives of the great British trading organization, the Northwest Company, referred to the "grasping proclivities" of "such a government and such a people as the Americans." [217] In the spring of 1815 they tried to persuade Drummond to grant no special favors to American people because there was no instance of an unnecessary concession being made to the United States that did not engender the demand for greater sacrifice. When Captain Hall of His Majesty's Royal navy was making a tour of the British and American possessions in America during 1816, he had apprehensions of another American attack and recommended therefore, the building of a strong fort on the Niagara River near Lake Erie. The proximity of the Canadas and their fertile soil were, he said, "all motives and very legitimate ones, it must be allowed, to stimulate the inhabitants of the United States to such a conquest." Drummond, another army officer holding the highest official position in Canada, felt, even a full year after the war, that his American neighbors were not only unfriendly but bitterly inimical to him.[219] The order from Washington in the spring of 1815 to continue the military strength of the United States as it was at the close of the war and the strengthening of the United States forts in Michigan further alarmed both Drummond and Baker. Even wild rumors found their way to the commander-in-chief in Canada that American sympathizers were not only designing to help the French to release Bonaparte, but were soon going to attack Canada and wrest it from the British.[220]

This fear of an American attack expressed itself in various forms during the first years after the treaty. Proposals seriously considered were made to transfer the seat of government of Upper

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[217] N. W. Co. to Drummond. April 20, 1815. C. A. Q. 132, p. 25.

[218] Drummond te Bathurst, May 20, 1816, C. A. Q. 136, p. 222.

[220] A certain Francis Story took the precaution to warn Drummond of a design being formulated among the many French in the United States and among French sympathizers there to attack St. Helena, to release Bonaparte, and also to attack Canada. Addison, acting for Sherbrooke, doubted whether such a scheme had ever been contemplated. There is an indication here, however, of the ease with which such reports of American invasion could be believed in by Canadian people. (Story, to Commander-in-Chief, Sept. 8, 1816, C. A. Q. 137, p. 151.)

Two years later the Duke of Richmond forwarded a paper from Ross Cuthbert stating his belief that certain French generals with American assistance were going to make an effort to wrest Canada from the British. (Richmond to Bathurst, Aug. 11, 1818, C. A. Q. 149, p. 9.

Canada from York to Kingston because this latter town was more securely protected and preferable from a military standpoint. The Beauharnois Canal was opposed because of the danger of American invasions. A line of communication was proposed between Montreal and Kingston by way of Ottawa and the Rideau River so that the exposed St. Lawrence route would no longer be the only available one;[221] and the Rideau canal was soon under construction and military settlements were planted on its banks because there they would be protected against invasion and would also serve as a check upon the "very bad description of Canadian residents on the banks of the St. Lawrence, most of whom [were] by birth, parentage, and education decided Yankees; so important were these objects considered that immense sums were expended for their attainment."[222] Military settlements were advocated by the ministry in England as late as 1839.[223] The loss of the navigable channels at Barnhart's Island, to which reference will be made hereafter, and the colonization of Magdalen Islands, by American subjects were chiefly complained of because of the danger to the protection and defense of Canada.[224]

Another precaution against or preparation for anticipated strife —and a most primitive and foolish one—was found in Prevost's recommendation to Bathurst that nine townships near Lake Champlain, containing 111,000 acres, should remain unsettled because "an unsettled country on the frontier is a better protection than any population that could be placed there."[225] Acting, it would seem, on Prevost's advice, Bathurst ordered Wilson to allow no settlements there and later, on July 1, 1816, gave the same orders to Sherbrooke. No new grants were to be made in these counties, no roads were to be built; even those colonists already settled there were to be induced, if possible, to vacate their homes and the existing roads were to be broken up. This action would, it was thought, "materially contribute to the future security of the province."[226] Such absurd regulations naturally could not be enforced. In 1821 Dalhousie reported that the soil and timber had attracted a considerable population, among whom were felons, escaping from justice, from both Canadian and American courts.

[221]Gore to Bathurst, May, 1815, C. A. Q. 319, p. 108. (Robinson to Bathurst, July, 1815, C. A. Q. 319, p. 73.)
[222]C. A. Q. 167, p. 56.
[223]Russel to Thompson, Sept. 7, 1839.
[224]C. A. Q. 169, p. 13.
[225]Prevost to Bathurst, March, 1815, C. A. Q. 131, p. 86; C. A. Q. 137, p. 16.
[226]See Kingsley, IX. p. 41, and C. A. Q. 157, p. 182.

Precautionary measures were naturally advocated by those who would be the most immediately responsible for the defense of the provinces. Not only were these alert to see that strategic points along the boundary line should be decided by the commissioners in favor of Upper Canada and that garrisons should be kept along the frontier, but, as we have noticed before, they went to a great deal of trouble to retain the good will of the native warriors. For this reason the officers at Michillimackinac before it was evacuated anxiously tried to check and correct the report insidiously circulated that the stipulations in the Treaty of Ghent were a mere mockery, that Britain had betrayed the natives.[227]

Drummond, early in 1815, called the attention of Bathurst to certain movements in the West which seemed to indicate that the United States appeared to be on the point of violating the treaty as far as it regarded Indian territory. He pointed out the building of forts and the apparent intention of exterminating the tribes. Bathurst's reply to such notes of warning were most frequently of the type of that sent to an Indian chief wherein he advised the tribe to take measures to allay domestic animosities and return to their habits of friendly intercourse with the Long Knives.[228] In other ways Bathurst exerted himself to promote peace. Drummond prepared for self-defense, and as a first step ordered the whole of Manitoulin Island to be bought and a military post established on the western point of it to act as a substitute for the former post at Michillimackinac, the key to the land of the western Indians.[229] Then presents were distributed to the tribes who made that place a rendezvous.[230] Care continued to be taken that the British outposts in the West should be occupied by a garrison as imposing as could be supplied by the military chest and the available troops. This policy of the successive governors was based on the necessity of preventing the Americans from "establishing their superiority in these distant regions," [231] for it was learned that the Americans were sending out "battalions instead of detachments" and were strengthening their positions from Detroit to Sault Ste. Marie. Such action would tend to win over the hitherto comparatively

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[227]Ellice to Goulborn, April and June, 1815, C. A. Q. 135, p. 225 ff.
[228]Bathurst to Chief of Muscogees, Sept., 1815, C. A. Q. 150, p. 70.
[229]Drummond to Gore, Dec. 9, 1815, C. A. Q. 320, p. 4.
[230]It was found "necessary to show the western Indians strong tokens of their great father's satisfaction at their conduct." Drummond to Bathurst, Feb. 13, 1816, C. A. Q. 146, p. 41.
[231]Dalhousie to Bathurst, June, 1826, C. A. Q. 176, p. 424, and Kempt to Murray, Dec. 22, 1828, C. A. Q. 183, p. 319.

stable allies and make military operations against the Upper Province less likely to succeed. The friendship of the Indian must be maintained not only for the enriching of the merchant and trader but for the strengthening of the power of the military commanders.

While some of the British were trying to attract or retain the Indians, Lieutenant-Governor Gore and others were equally as anxious to keep out the great number of Americans who began to enter Upper Canada as soon as war ceased. Settlers were wanted but it was feared that American settlers might be treacherous. Lieutenant-Governor Gore urged Bathurst not to abandon the restraint put upon immigration to the Canadas from the United States for if free immigration were allowed the loyal population would be reduced to defend themselves from the disloyal and the "next declaration of hostilities" by America would "be received by acclamation." [232] It is also reported in Canada that the Americans themselves entertained not the slightest doubt as to the Canadas "becoming an appendage of the union." [233] Lieutenant-Governor Maitland in 1818 shared the apprehensions of his predecessor Gore, when told that of the eighty schooners employed in navigating Lake Erie and capable of carrying, in the event of war, either one or two guns of the larger caliber, not more than ten belonged to or were navigated by subjects of His Majesty.[234] In 1822 another Governor, Sherbrooke, after noting the intermarriages, intercourse and immigration, doubted very much whether reliance could be placed on a continuance of the state of peace.[235]

It was not alone military officers or legislators in Canada who discussed the probability of a future conflict. Merchants and business men interested in their own and the colonies' prosperity made reference to it in memorials for trade regulation. Perhaps some of these utterances may have been made for purely political or business ends, but nevertheless it would have been folly for shrewd business men to try to make capital out of a specter which was believed to have vanished from the earth. A memorial of the merchants and citizens of Quebec and Montreal in 1818 suggested the likelihood of further trouble when they stated that it would

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[232] Gore to Bathurst, April 7, 1817, C. A. Q. 322, p. 129.

[233] Dr. Mountain, Bishop of Quebec, after a trip through Upper Canada, related that in his travels he met a U. S. Colonel who spoke without disguise as to the view of his countrymen upon the Canadas and who entertained not the slightest doubt as to their becoming an appendage of the Union. Kingsley IX. p. 249.

[234] Maitland to Bathurst, Dec. 8, 1818, C. A. Q. 324, p. 180.

[235] Sherbrooke to Bathurst, March 14, 1822, C. A. Q. 332, p. 114.

be better to give United States citizens an interest adverse to war, namely, an interest in trade by way of Lower Canadian ports and waterways.[286]

The mutual agreement of both nations to abolish the fleets on the Great Lakes and the readiness shown to settle quietly the numerous disputes of 1815 and 1816 along the western frontier must certainly have diminished, but did not entirely dispel, the fear that peace was merely temporary, and that the United States would not rest contented until they had made another effort to annex Canada. In the spring of 1817 a western officer furnished Bathurst with a minute description of the topography of the provinces and of the inadequate state of the existing militia system in Canada because it was believed that the United States' ruling bodies were actuated by a desire for conquest or usurpation. The American population, it was feared, stood ready armed, the sale of Canadian lands would pay the expenses of the campaign, and the conquest would enable the United States to disband its northern army.[287] A London paper commenting upon the recent dismantling of the warships upon the Great Lakes declared that though the Americans had reduced their naval force, the exertions with which that energetic nation was cutting roads in the direction of those waters, felling timber and preparing it as knees, bends, etc., for vessels of war were circumstances which should excite some attention.[288]

At almost the same time a prominent Canadian warned Bathurst that a discontented and mixed multitude from all nations, recent immigrants to the United States, were combining with the French and other discontented characters already there and were anxiously awaiting the return of war. It was a well-known fact, he said, that those points of punctilio, namely, the right of search etc., were as keenly insisted upon by naval commanders and as strenuously opposed by the Americans as at any time previous to the war, and apart from the exception of a few engaged in commerce who were kept from venting their sentiments from motives of interest, there did not exist a single inhabitant of the United States who did not cherish a hostile principle towards the British Isles. Excessive pride and an ardent spirt of independence, it was stated, made them view the power of Britain with a jealous eye;

[286]Memorial, 1818, C. A. Q. 149, p. 142.

[287]E. McDonnell to Bathurst, April, 1817, C. A. Q. 147, p. 375.

[288]Quotation from London paper in Niles Register for Nov. 1, 1817. Niles Register, Vol. XIII. p. 156.

the strength and resources of the United States were greater than was usually represented; their population and revenues were increasing and their advantages in building ships for the navy and training men for the army were much greater than those afforded the Canadians.[239]

To some on the American side of the dividing line a future clash of arms was likewise considered not an utter improbability. The reasons for the declaration of war in 1812 had been largely removed when the Napoleonic wars had ceased, but the Treaty of Ghent was silent on the principles fought for. The right of search was held in theory and still practically applied on Lake Erie during the first two years after the war. Pittsburg, Buffalo, and Philadelphia papers cried out in horror and demanded that American rights be protected there even if force were necessary to do so.[240] British intriguing with the Indians kept green the memory of the intrigues with Tecumseh and the Prophet, which were generally believed to have been in progress for years prior to Madison's war message. The instability of the Indian and the plotting and scheming of the traders made an Indian rising possible at almost any moment, and the bitter spirit manifested along the Michigan frontier was certainly no guarantee for permanent harmony. It is true the American nation as a whole had sincerely welcomed the conclusion of hostilities. They didn't need more territory. Thousands of square miles of their own western possessions were yet unexplored. But their love of independence and resentment of any kind of foreign dictation, much less foreign abuse or insult, would not let them be imposed upon. This spirit was well exhibited by the one who was nearest to the zone of trouble. Cass had suffered the most from meddlesome interference by a power which had no right to hamper him in his projects, and in the summer of 1817, when he purchased land from the Indians to complete the union of Ohio and Michigan, we find that he did it chiefly for military purposes. "Lake Erie," he said, "may once more become the theater of desperate exertion and skill." [241]

It was not only on the American continent, and before the smoke of battle had hardly blown away, that we hear of the probability of a renewal of the conflict; but through the twenties and on the floors of the British Parliament we hear the same topic under

[239] A. J. Christie to Bathurst, July, 1817, C. A. Q. 147, p. 116 ff.
[240] Niles Register, Vol. 13, p. 156.
[241] Cass and MacArthur to Graham, Sept. 29, 1817, A. S. P., I. A. II. p. 137.

discussion. In 1820 Marryat in the House of Commons pleaded for better trade regulations in order to establish in the Canadian provinces "a numerous flourishing and well-affected population, able and willing to serve as an effective barrier against the future ambition of the United States." [242] Four years later Bright advocated the encouragement of the Upper Canadian colony for the very same reasons.[243] The announcement of the Monroe Doctrine must have tended to confirm the opinions of some who were afflicted with the idea that the United States wanted to exclude the British altogether. During these years members of Parliament like Baring and Stanley frankly declared that the time was not far distant when the Canadas would no longer be British possessions,[244] and such debate led Huchinson in May, 1828, to deliver a strong plea for the continuance of British control over these provinces and therefore for the strengthening of British influence and power there.[245] In the following July, Sir Robert Peel alluding to Baring's speech spoke thus: "[Mr. Baring] himself said, 'Don't disregard the Americans; they are not inattentive to military science; they are training up their youths to arms; if that were true was it not wise in time of peace to make preparation for an effectual defense?'" He then supported Harding's motion that £30,000 be granted for military works at Kingston, U. C., and Halifax, N. S., and begged the House to consider what would be the effect if the Canadas were not well defended. He deplored the fact that some members had suggested these colonies be abandoned or allowed to become free and independent states. What chance was there, he asked, that these colonies could remain free and independent with a powerful neighbor like the United States at their side? [246] Quebec newspapers would have supported Harding's motion for just then the Quebec *Gazette* believed the United States would not dislike an opportunity to distinguish themselves in war.[247]

Shortly after this an "ancient peer of England," who had been early acquainted with Jefferson and who professed to be a close student of American affairs, openly declared that "Rufus King and Mr. Canning had agreed perfectly" with him that in "succession

[242] Marryat's Speech, June 5, 1820, Hansard II series, Vol. I. p. 854.
[243] Bright's Speech, Mar. 12, 1824, Hansard II series, Vol. X. p. 959.
[244] Baring's Speech, May 15, 1825, Hansard II series, Vol. XII. p. 1036; also his speech, Mar. 2, 1829, Hansard II series. Stanley's speech, May 2, 1828, Hansard II series, vol. 19, p. 339.
[245] Huskisson's Speech in H. of C., May 2, 1828, Hansard and also see Christie, Vol. III. p. 174, 175.
[246] Peel's Speech July 7, 1828, in "Peel's Speeches," Vol. I. p. 665.
[247] Quotation from Quebec Gazette in Niles Register, June 20, 1829.

the objects of American ambition were the Mexican province of Texas, the island of Cuba, and the Canadas." They were determined to possess them and considered the end would justify the means.[247a] During the thirties, too, people along the frontier insisted that troops stationed there should not be removed lest raids be made from across the border, and Lord Durham advocated the removal of a "barren and injurious sovereignty" which but tempted the "chances of foreign aggression by keeping continually exposed to a powerful and ambitious neighbor a distant dependency in which an invader would find no resistance."[247b]

From 1815 to the outbreak of the rebellion in 1837 the fear of raids or of a more generally organized effort on the part of the United States to capture the northern part of the continent was repeatedly expressed. Even men of the greatest prominence and responsibility informed the Colonial Office of the fear of renewed attempts to disturb the peace. May we not see here one reason why the Canadians and the Colonial Office were so tardy in breaking with the Indians residing in Michigan or further west, and must we not read other actions of British authorities in the light not only of an aggrandizing spirit of the British, of an insidious effort to render insecure the western territories of the United States, but of an effort to be prepared to meet the aggrandizing spirit of ambitious and powerful rivals for the northern land and trade?

Nevertheless with both central governments and the vast majority of both peoples sincerely anxious for peace, it was easy for sacrifices to be made on both sides to maintain it. Great Britain was especially reluctant to encourage discord, so exhausted was she by the two decades of war through which she had just passed, so enormous was her national debt, and so much was she interested in the settlement of European affairs and of Spanish difficulties in Central and Southern America. Members of Parliament questioned whether Canada was worth the expense involved in its maintenance and whether it would not be to the real advantage of England to

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[247a] Teynham to a minister, June 8, 1830, C. A. Q. 196, p. 481. II series, Vol. 19, p. 339.

[247b] Colborne to Glenelg, Nov. 20, 1835, C. A. Q. 387, p. 311, C. A. Q. 244, p. 90; Durham's Report, Introd. p. XIII.

give it up entirely.[247c] The prudent American diplomat, Rush, meanwhile cleverly worked his way into the good graces of the courtiers at St. James and softened the bitterness which Englishmen had held against their disobedient offspring. Despite these things, however, the apprehension that the ambition of the United States would lead to further trouble could not easily be brushed aside.

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[247c] Marsh in H. of C., Nov. 28, 1814, asks for imports and exports of Canada to see if it is "consistent with prudence * * * to continue the country at war."

Also Sir I. Coffin, H. of C. Mar. 18, 1822: * * * "It would have been a good thing if Canada had been sunk to the bottom of the sea * * * it costs 500,000 pounds per annum * * * the sooner the Governor were called home and the sooner the assembly and colony were suffered to go, he should be sorry to say, au diable, the better." (Hansard.)

Also Bell's Weekly Messenger (Niles Register, 14, p. 14, Feb. 21, 1818): "It always has been our opinion and we know it personally to be that of one of our greatest statesmen this country ever produced that Halifax, Canada, etc., are not worth what they actually cost England and that the true point of wisdom would be to make the best bargain we could for them to the United States."

## VIII.

## DREAD OF AMERICAN INSTITUTIONS AND INFLUENCES.

If there was a lingering apprehension that sooner or later another attempt would be made to annex Canada there was also the fear that American influence might cause the still loyal colonies themselves to take the initiative and break off from the mother country. Commercial intercourse, immigration, intermarriage, the holding of Canadian land by American citizens, the spread of American newspapers, magazines, and books, the increasing number of American missionaries and teachers in the province—by all such means it was feared that the principles of American democracy were being disseminated while monarchial institutions were censured. It was feared that American public men were being eulogized and British depreciated, that Canadians were being taught to feel the weight of civil and ecclesiastical tyranny, and that Canada was thus in danger of being slowly but surely separated from the mother country.

The Upper province especially was intimately bound up with the states to the south and east. Much of its imports came from these states; many of its citizens came either from or through them; mail frequently came through the states; the money in circulation was almost entirely of Spanish or American pieces, though English and French coins were met with occasionally[248a]; American laws suppressing bank notes were felt severely in Quebec; ideas and opinions held on one side were reëchoed on the other—arguments made by Mackenzie against chartered banks, for example, were identical with those of the Jacksonian party[248b]—for those who had grown up under liberal institutions or had become familiar with them through contact, demanded similar ones in their new homes.[248c] A similar environment gave rise to similar desires. The emigrant direct from Europe breathed the air of freedom and often became very rapidly "Americanized." This natural evolution was too often traced to influences brought to bear upon him by his cousins south

[248a] Gosford to Glenelg, Dec. 21, 1836, C. A. Q. 229, p. 868.

[248b] Hamilton petition, Aug. 29, 1838, C. A. Q. 376, p. 317.

[248c] See speech of Sir James Macintosh, Brit. H. of C., May 2, 1828, Hansard II series, Vol. 19, p. 331.

and east of the Great Lakes.[248d] Sherbrooke very much doubted whether the provinces could long withstand the "loose demoralizing principles introduced" and he "could not avoid remarking * * * that in many instances a stronger bias prevailed in Upper Canada in favor of the American than the British form of government."[248e]

On account of the danger of American contamination many advocated the need of more stringent qualifications for membership in the House of Assembly of Upper Canada because recent immigrants from the United States possessing Republican sympathies and strong feelings in favor of their native country, might, from the advantages of wealth, acquire influence sufficient to secure their elections to that body.[249] Not only was there an unreadiness to permit these immigrants to be eligible for administrative or legislative office, but obstacles were even placed in the way of American citizens from settling in Canada at all.[250]

From the lands subject to Talbot's superintendence, the subjects of the United States were absolutely excluded.[251] Beyond the limits of Talbot's reservation there were no legal means of keeping American citizens from coming in and taking up land, if they so desired. The British Colonial Office and the War Department would have preferred to see Upper Canada fill up with British emigrants but this did not deter others. In the fall of 1815 Gore was loath to report to Bathurst that numbers from the United States were pouring into the provinces and that there was "no legal power in the governor to restrain the evil." A provincial statute, however, authorized the dismissal from the province, upon very slight grounds,

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[248d]Hall, Travels in Canada and United States, 1816 and 1817, p. 154.
"A lurking hostility to republicanism has been too frequently suffered to color our views of the conduct of America." (Fidler, Observations on Professions, etc., in U. S. and Can. p. 159.)
"The malus animus (towards the British) * * * is in fact the food on which the great and I am sorry to say the predominant party in the country (U. S.) is nourished." Quotation from letter of Bagot to Lord Binning dated Washington, May 6, 1816, found in "George Canning and His Friends," Vol. II, p. 22.
see Bagot to Sneyd, Letters of June 12, 19, 1816. Vol. II, p. 22.
Letters and Dispatches of Lord Castlereagh III series, Vol. III, p. 437.
Mackenzie's Objections, Mar. 14, 1838, C. A. Q. 378, p. 370.

[248e]But when I consider the vicinity of the latter province (Upper Canada) to the United States, the population continually flowing in from thence, the constant communication and intermarriages between the families on both sides of the line, the number of Americans who purchased the best of the lands as soon as they are cleared, and every description of property worth having, and when I look to the loose, demoralising principles introduced by these people, I very much doubt whether reliance can be placed on the continuance of this tractable disposition * * * Circumstances have materially changed since the separation of the two provinces and I could not avoid remarking, when I was in Upper Canada, that in many instances a stronger bias prevailed in favor of the American than the British form of government." Sherbrooke to Bathurst, Mar. 14, 1822, C. A. Q. 332, p. 114.

[249]Bouchette to Bathurst, Jan. 6, 1823, C. A. Q. 167, p. 244.

[250]Bathurst to Drummond, Jan. 10, 1815, C. A. Q. 57.

[251]Halton to Talbot, Oct. 7, 1815, C. A. Q. 319, p. 147. Talbot had a large reservation on Lake Erie.

of all such as had not been resident six months or had not taken the oath of allegiance, and therefore Gore sought advice from his Executive Council how best "to give the utmost efficacy to this statute," ordered his magistrates to report the names and destination of all aliens coming from the United States or elsewhere, and directed that the oath of allegiance should not be administered to any person without a special order.[252] The British immigration agent in New York, not sharing the same antipathy to American settlers, tried to persuade Gore to allow some of these to take up their residence in Upper Canada. Nevertheless the Lieutenant Governor with the greatest eagerness tried to carry out Bathurst's policy of settling the province with British emigrants only.[253]

It must be noticed that during his administration Gore exerted himself in this direction to a greater extent than he was legally warranted in doing. The popular assembly was more liberal than he, but the majority of this parliament, he declared, was composed of influential land speculators desirous of promoting their own rather than imperial interests. In April, 1817, this assembly resolved that the admission of settlers from the United States should be unrestricted and that all orders to the contrary should be rescinded. Rather than allow any measure so objectionable to him to be carried through, Gore prorogued his legislature and immediately informed Bathurst of his motives for so doing.[254] The deadlock between the governor and his legislative assembly seems to show that whatever the motives might be, basely selfish or purely honorable, the majority of the parliament, at least, neither resented nor feared the American immigration but would have gladly welcomed it.

When the matter was called to the attention of Bathurst this minister supported neither Gore nor the assembly.[255] Gore was mistaken he declared, because American citizens, arriving in the province, were entitled to have the oath of allegiance and the oath of their intention to reside and settle administered to them; the governor had no discretion to refuse this; but the assembly were in error in supposing that the taking of such an oath could of

[252]Gore to Bathurst, Oct. 17, 1815, C. A. Q. 319, p. 120.
[253]Gore to Buchanan, July 31, 1816, C. A. Q. 320, p. 319.
[254]"The interruption of the flowing migration from the United States was particularly offensive to certain land speculators, the principal of these was William Dickson, who, I regret to say, is a member of the Legislative Council and a commissioner to administer the oath of allegiance was the first and only one reported to me who disobeyed my instructions, that is, to administer the oath of allegiance without license from the governor." Gore to Bathurst, April 7, 1817, C. A. Q. 322, p. 129.
[255]Bathurst to Smith, Nov. 18, 1817, C. A. Q. p. 58.

itself qualify an American citizen to hold land in the province. A previous continued residence of seven years was the indispensable condition of being entitled to hold lands and it was His Royal Highness' wish that this law should be enforced. Those persons who, since the war, had violated this law should be dispossessed. Drummond, the administrator at Quebec, bore the same sentiments as Gore, and strongly recommended his Parliament to revive immediately the old regulations respecting aliens, for he feared "discontented adventurers and mischievous agitators from the continent of Europe, who had recently migrated to the neighboring states."[255a] Drummond's successor charged the strong republican sentiment of his Parliament to the American education of many of its leaders.[255b]

In spite, however, of prejudice of governors and irritating instructions, hundreds of citizens of the United States continued to come in and take possession of the land.[256] Not until 1825 did an order come from the Colonial Office to remove from settlers already in Upper Canada the obstacles in the way of their complete citizenship in that province.[257] But restrictions were still left on prospective immigrants from the United States and this led to a clash between the Assembly in Upper Canada, who favored the abolition of all restrictions, and Bathurst, who would not go so far. An address was sent from the Assembly to England animadverting upon the losses sustained through this action of the colonial department. In the absence of commercial and manufacturing capital, land was the chief basis of public credit and further population was necessary in order that the land might be occupied and made productive. Many United States citizens had come in and were among the most useful and loyal subjects and many thousands of families would have entered during the last few years if they had not been discouraged.[258] Bathurst's reply to this address was quite unsatisfactory to the Upper Canadians; but Kempt, who shortly after this came out as Governor, saw the expediency of procuring more favorable legislation in favor of the foreigners, and he was particularly anxious that the Americans,

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[255a] Drummond's Address to Parl, Jan. 26, 1816, Christie II, p. 252.

[255b] See Kingsford, IX, p. 176.

[256] Sherbrooke to Bathurst, C. A. Q. 168, p. 186 and letter by an English farmer settled in Upper Canada, 1820, Provincial Archives.

[257] Bathurst to Maitland, July 22, 1815, C. A. Q., p. 67.

[258] Address from Commons, Jan. 16, 1826, C. A. Q., p. 18.

settled in Lower Canada, should have as much relief as had been granted to those in the Upper Province.[259]

So long as it was the desire and policy to maintain special privileges for any ecclesiastical organization or to bolster up an autocratic irresponsible government, the British governors in the provinces and the Colonial Office, which sent them out, were perfectly justified in trying to cut off or restrict American immigration and American influence. Property and prominent political positions were falling rapidly into the possession of these immigrants and so rapidly was this process carried on that the assertion was made that if purchases by the people of the United States should continue as they had done, Americans would in a short time, without treaty or conquest, become the owners of Canada.[260] The people in the provinces did not regard them as foreigners and thus their influence and the proximity of the United States made it hazardous to maintain invidious distinctions in favor of any particular class or denomination.

The desire for greater local autonomy increased and as late as 1838 Lord Durham reported that undoubtedly there were many who wished to assimilate the institutions of the province rather to those of the United States than to those of the mother country, and that a few persons, chiefly of American origin, had entertained those designs from the outset. The extensive internal improvements of the Republic, producing marvelous growth both in wealth and in population, were enviously marked, Durham declared, by the discontented provincials.[260a] The political, social, and religious controversies which dated from the beginning of Dalhousie's administration up to that of Sydenham's plainly proved how strong a factor this American influence was and how much unconcealed sympathy and proffered support the agitators received, if not from the legislative or executive body within the United States, from many of the people who voted into office those governing bodies. Enlightened statesmen, such as Durham, saw how to direct the spirit of this mixed Canadian population. His predecessors had clung to the old colonial policy of suppression, of domination, and vainly sought to crush out everything tainted with republicanism.

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[259] C. A. Q., 193, p. 120.

[260] Sherbrooke to Bathurst, 1822, C. A. Q. 163, p. 186; Bigg to Stanley, 1833, C. A. Q. 379, p. 188; Gould to Glenelg, 1835, C. A. Q. 224, p. 470.

[260a] Durham's Report, p. 108 and p. 113.

Immigration from the United States was thus impeded, but misgovernment of the provinces—and a misgovernment that native Englishmen like Bennet and Hume vigorously condemned on the floors of the British Parliament[260b]—not only tended to exclude Americans, but was largely responsible for the fact that many of the newcomers at Quebec passed through the fertile unoccupied Upper Province and took up lands in what is now Ohio, Indiana, Michigan, or even in the farther west. That twenty or twenty-five per cent of all immigrants by way of the St. Lawrence river did this, is perhaps a conservative estimate; and before the rebellion of 1837 many who had already settled in the Canadas sold their homesteads and removed across the border.[260c]

These immigrants who were forsaking Canada and the discontented who remained were, for the first few years after the war, confined solely to the English speaking element; but later the French also became dissatisfied. During the war and for some years afterwards, the British could count on a hearty support from these people in the Lower Province. In 1814 citizens of Quebec memorialized the Prince Regent to retain Prevost as Governor.[261] But

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[260b]Bennet's Speech, March 12, 1824, Hansard II series, Vol. 10, p. 958; Hume's Speech, March 15, 1825, Hansard II series, Vol. 12, p. 1035.

[260c]Hume, Apr. 15, 1825, said that he was "creditably informed that eighteen out of every twenty emigrants that went to Upper Canada passed on to the United States." Hansard II Series, Vol. 12, p. 1860. Astle to Gregory, June 30, 1828, C. A. Q. 167, p. 228. Maitland to Gore, Feb. 6, 1838, C. A. Q. 244, p. 90.

"I have observed myself and I find from information that many American families settled in this part of the country are leaving it." Buchanan, Chief Emigration Agent, Quebec, Statistics for 1834 and 1836. (C. A. Q. 217, p. 680 and 229, p. 877 resp.)

1834 Distribution of immigrants, Quebec:

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|---|---|
| To Lower Canada | 4,090 |
| To Upper Canada | 22,210 |
| Died | 800 |
| Returned to Gt. Brit. | 350 |
| To United States | 3,485 |
| Total | 30,485 |

1836 Distribution of immigrants, Quebec:

| | |
|---|---|
| To Lower Canada | 9,600 |
| To Upper Canada | 13,000 |
| Died | 145 |
| To United States | 4,973 |
| Total | 27,728 |

[261]Memoir of Citizens of Quebec to Prince Regent, Nov. 1814, C. A. Q. 135, p. 87. "Ce pays une fois perdu, ils n'ont plus de patrie ou' ils puissent tourner les yeux; un Anglois a encore sa patrie. Si le Canada passe sous la domination des of Etats-unis, leur population sera submergée par celle des Etats-unis, et ils deviendront nuls, sans aucune influence dans leur governement; incapables de se proteger, de proteger leur religion" * * * ending with the declaration that the British government caused no such dangers to be feared.

Hall (Travels in Canada and United States, 1816 and 1817, p. 94) says: "The Canadians (i. e., Lower Canadians) bear a considerable antipathy to the Americans whom they dominate Sacres Bastonnais."

Sherbrooke to Bathurst, May 14, 1822, C. A. Q. 332, p. 14, says that he is convinced that the Catholics in Lower Canada feel a deep-rooted antipathy to the Government in the United States and have no dread equal to that of one day falling under its dominion. He feels that whatever may be the fate of the Upper Province, Americans would never be able to establish themselves in Lower Canada.

by 1839, so completely had the forces brought to bear upon these people reversed the situation that, according to Dunham's acute observation, "an invading American army might rely on the co-operation of almost the entire French population of Lower Canada.[261a]

Some persons high in official positions would gladly welcome the American negro[262] but there were more who would as gladly erect a Chinese wall against American missionaries and teachers. Methodist ministers in particular met with no cordial reception from those who basked in the gubernatorial rays.[263] The average settler undoubtedly welcomed them with open arms, but the high churchmen and the absolute monarchists fancied that they saw these teachers and ministers disseminating dangerous republican doctrines.[264] Maitland was among those who did not welcome the foreign missionaries. In 1819 he extolled the loyalty of the members of the Church of England during the war and made a plea for thirty or forty more clergymen from his church, chiefly because many Canadians were joining the Methodists, whose preachers came mostly from the United States.[265] A little later he regretted the decision of the Washington Congress whereby the London Wesleyan Methodists had been prevailed upon to withdraw their missionaries, thus leaving the field open to American Methodist preachers only. He had just as little faith in the loyalty of American preachers as he had in the loyalty of American teachers.[266]

In May, 1827, Strachan congratulated the Church of England upon the considerable progress being made by it in Upper Canada, the more especially because teachers of the different denominations, with a few named exceptions, were all from the United States from which they brought sentiments of hostility to the established government and church.[267] During the same summer Dr. Weld petitioned for forty more clergymen from England, the need being more urgent he said, since Methodists in the United States were establishing themselves in the province of Upper Canada with

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[261a]Durham's Report, p. 40.

[262]Certain American negroes had petitioned for permission to establish a settlement in Upper Canada. Gould sympathised with the petitioners, because they were being oppressed by their very "liberal brothers, the professors of liberality, the Yankees." Letter to William Allen, July 20, 1830, C. A. Q. 196, p. 187.
See also, Knill to Glenelg, Nov. 19, 1835, C. A. Q. 388, p. 416.

[263]Methodist ministers in 1816 were charged with raising an insurrection in the West Indies. See Hansard II Series Vol. 34, p. 1216.

[264]Minutes of British Wesleyan Methodists at Montreal, May, 1827, C. A. Q. 344, p. 332.

[265]Maitland to Bathurst, June 4, 1819, C. A. Q. 325, p. 222.

[266]Maitland to Bathurst, Jan. 4, 1821, C. A. Q. 321, p. 2.

[267]Strachan to Horton, May 16, 1827, C. A. Q. 325, p. 342.

increasing rapidity.[268] A little later Colborne complained that these Methodists had become a political body that they might strengthen their influence against the established church. Four or five newspapers allied with them, he said, were spreading anti-British feeling and attempting to undermine the patriotism of the people.[269] Colborne was no more solicitious for the welfare of the white race than Kempt was for the red. He believed that among the most effectual means of ameliorating the condition of the Indians would be the providing of active, zealous, Wesleyan missionaries from England to counteract the antipathy to the established church and other objectionable principles which the missionaries from the United States were supposed to instill into the minds of their Indian converts.[270]

A charge of another kind was made against these missionaries. A petition from the bishop and clergymen of Quebec, men interested in the pecuniary as well as the spiritual welfare of the denomination, stated that the most active efforts put forward to secure the sale of clergy reserves for educational and internal improvements were made by Methodists, most of whom were ordained in the United States and had no ecclesiastical connection with the Methodist conference in England.[271] Another Episcopal clergyman in Upper Canada about the same year (1832) wrote that "most of the Methodist ministers in Canada are from the States and have a double object: they ostensibly minister in sacred offices but secretly and effectively disseminate principles destructive of the present order of affairs. They are concerting schemes for the establishment of republican institutions and plans of government."[272] A short time after this complainant added his grievances, the Lords of the Treasury in England refused to admit free of duty books and tracts from the United States for the benefit of [illegible] Bible, Sunday School, and Tract societies, because these books [illegible]s were represented as being politically dangerous.[273]

[illegible]ersistent and potent resistance to the Methodist ministry [illegible]ally led its champions to deny the charges, and the vigorous denial of disloyalty serves only to show how much opposition there was to this so-called American influence. By addresses of attach-

[268]Dr. Weld to Horton, May 16, 1827, C. A. Q. 325, p. 342.
[269]Colborne to Hay, March 18, 1829, C. A. Q. 351, p. 85.
[270]Kempt to Murray, May 16, 1829, C. A. Q. 188, p. 345.
[271]Petition, December, 1831, C. A. Q. 200, p. 291.
[272]Rev. I. Fidler, "Observations, etc.," p. 124.
[273]Spearman to Stephen, April 7, 1837, C. A. Q. 240, p. 286.

ment to the British Crown and mother country[274] and through the press and on the platform, such men as Ryerson hurled back the violent onsets of their adversaries. This leader of the denomination boldly rebuked the Lieutenant Governor himself, declaring that the majority of the Methodist preachers were British born subjects, that they had no dislike for the Church of England and were innocent of secular interference. He complained that the Lieutenant Governor's remarks "must produce the impression in an uninformed mind that the Methodist clergy as a body was a company of ignorant, political demagogues, alike divested of religious principle and public character." [275] Hume in Parliament likewise stoutly maintained that Dr. Strachan had grossly misrepresented these missionaries in Upper Canada and produced statistics to demonstrate that far the larger percentage of the Methodist and Baptist preachers in Canada were born and educated in British dominions.[276]

Though Hume and Ryerson and others might deny the charges of their adversaries, one must now see, as the Lieutenant Governors and the established church then saw, that the Methodists really were a force representing and advocating "American principles," and if this Americanizing of Upper Canada was baneful as the Governor and established church believed it to be, then the Methodists ought to have been condemned. Ryerson undoubtedly, however, had the sympathy and generous support of an extensive group and voiced their sentiments in saying that there was no general wish expressed in the province for the return of British Wesleyan missionaries, that only some political newspapers were clamoring for this, that nine-tenths of the European population in Upper Canada were decidedly favorable to the principles of civil and religious liberty as advocated in a memorial from the Methodist conference, and that at least one quarter of the people of the Upper Province preferred the ministrations of the Methodist clergy.[277] His references to the provisions made by the constitution of sixteen of the United States for the diffusion of virtue, wisdom, and knowledge among the humblest classes of the people shows his familiarity with the affairs of the United States. The entire defense of Ryerson only tended to show the growth of the so-called

[274]Address from Methodist Conference, 1834, C. A. Q. 382, p. 451. W. M. S. to Goulbourn July 3, 1821, C. A. Q. 330, p. 99.
[275]Ibid.
[276]Hume's Speech, May 2, 1828, Hansard II series, Vol. 19, p. 341.
[277]See note 274.

American tendencies and theories and the need of greater precaution if the rulers of Upper Canada were to preserve their old-time supremacy over the government and religion of the new province.

Teachers from the United States were no less undesirable. An extremely strong plea for protection against peril from this source came from the Reverend Alexander Macdonell, Vicar-General of the Catholics in Upper Canada, in the beginning of 1817. He suggested that clergymen and teachers of the Gaelic language and Catholic faith should be sent out to instruct the Highlanders in the Upper Province so that "thus assured by the double barrier of their language and religion, they might for a long time stand proof against the contagious politics of their democratical neighbors." He lamented that boarding schools for young ladies in both the Canadas were kept principally by American women, and that every book of instruction put into the hands of their pupils by these schoolmistresses was of American manufacture, artfully tinctured with the principles of democratic government and holding up American worthies as perfect patterns of every moral excellence while British public and private characters were represented in the most odious terms. With more warmth than pure justice, Macdonell condemned the crafty arts of these active agents. To demonstrate the extent of the territory over which their teachings prevailed, he reported that, with the exception of the eight district schools, which were taught principally by clergymen of the established church, the education of the youth of both sexes in Upper Canada was exclusively entrusted to American teachers.[278]

It seems to have been true that most of the teachers and textbooks in Upper Canada, as well as a majority of the ministers of the gospel, came from the neighboring states. A few years later Maitland took occasion to refer to the preponderance of alien teachers and repeated almost the same language used by Macdonell. He wished that instructors could be brought in from some central school "to the exclusion not only of American masters but of their republican apparatus of grammars and lesson books, all of which were studiously composed with a view of instilling principles into the pupil's mind unfriendly to the existing form of government." [279] More than a year later he was still insisting on the enlargement of the school at York for this same purpose,

[278] Macdonell to Bathurst, Jan. 10, 1817, C. A. Q. 328, p. 177.
[279] Maitland to Bathurst, Jan. 4, 1821, C. A. Q. 229, p. 2.

and Durham relates that those in Lower Canada who wished higher education sought it in American colleges.[280] Undoubtedly seeds of discontent were scattered by these foreign teachers and to a governor of the old school the need of action was urgent. Malcontents were finding sympathy, instruction, and inspiration from their ambitious neighbors, and it was easy for them to contrast the retarded development of the Canadas with the progress, freedom, and popularly elected governing boards of New York, Pennsylvania, and Ohio.[281]

One of the favorite methods of airing grievances and attacking men and institutions with impunity was found in making use of the United States printing presses. In the conservative and best American newspapers, the administrators of Canada might often find matter not complimentary to their system of government, but there were some radical papers especially objectionable.[281a] Five years before the war of 1812 broke out, there began to be published by Wilcox, the Upper Canada *Guardian* or *Freeman's Journal.* This paper, professing to be a Canadian publication, was printed and published in the United States, sustained, it was currently reported, by funds gathered in New York, and circulating widely in Canada.[282] That its aim was to stir up discontent in the British colonies and excite hostilities is evident from the first edition of this paper. The editor referring to the Chesapeake affair, wrote therein: "We are all confused by the appearance of hostilities between the two countries and the honest part of us say that if the United States pocket the indignity now offered them, they can no longer style themselves a nation." [283]

To cite but one other glaring instance of the use of the American press, it is necessary to refer only to *L'Ami du Peuple,* a paper published at Plattsburg in 1827 and then with generous prodigality scattered through Canadian parishes.[284] The unlearned and credulous inhabitants were told that the administration in Canada was forging chains to bind them; their liberties, their rights, their political existence were in danger of public destruction; kings are great and powerful only because their subjects bow their knees before them; now was the time to rise up and shake off the yoke

[280]Durham's Report, p. 94.
[281]See Gourlay's Address to resident landholders, Feb. 1818, C. A. Q. 324, p. 26 and letter to Bathurst, Dec. 8, 1817, C. A. Q., 323, p. 42.
[281a]See, for example, Niles Register, Feb. 11, 1832, p. 427.
[282]Kingsley, Vol. VIII. p. 94ff; C. A. Q. 612, p. 287; 331 C. A. Q. 311, p. 53.
[283]Wilcox to Cozens, C. A. Q. p. 329, 361.
[284]See Kingsford IX, p. 355, note.

of tyranny. It is readily perceived that men like Nelson, Lount, Papineau, and Duncombe, who ultimately headed the rebellion of 1837, found it to their advantage to see that the United States papers were supplied with sensational gossip. American sympathy and support, apparent if not real, would aid their cause in Canada and perhaps raise up for them adherents for an armed force, if such should be required. Credible arguments and revolutionary teachings could be circulated while the editor and publisher remained safely ensconced within a foreign territory and entirely immune from libel.

While radical papers were circulating in the Lower Province, and while constitutional committees[285] were forming there—an ominous similarity to the action adopted by the revolting colonies of 1776—the local as well as the foreign press was taken advantage of by the opposition party in the Upper Province. Lieutenant Governor Colborne was alarmed. In his opinion rebellion was fostered by radical newspapers subscribed for chiefly by settlers who had lived formerly in the United States but encouraged by such prominent leaders as Ryerson, "who would have no objection in seeing a more democratic form of government established." [286]

The alarm felt by Colborne and other governors of Canada may have been vastly increased by the knowledge that not only was there an organized opposition within their own jurisdiction but across the border there was also an organized body working against their administration. A certain group professing to be British royalists and calling themselves the Adelaide Association held meetings in Philadelphia to prepare an impeachment against Colborne for not granting them the privilege of settling in Seymour Township. The chairman of this Association, when demanding redress from Sir Robert Peel made a significant statement which would tend to confirm the worst fears of such men as Maitland and Colborne. Emphasizing the virtue of himself and his friends in order further to appeal to the British minister, he said that the royalists in the United States were the only men who had so long refuted the base calumnies disseminated through the United States which were replete with the most vindictive vituperations against the laws and constitution of Great Britain.[287]

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[285]Aylmer to Hay, Dec. 11, 1834, C. A. Q. 217, p. 578.
[286]Colborne to Hay, May and July, 1832, C. A. Q. 374, p. 601 and 801.
[287]Brown to Colonial Secretary, Oct. 8, 1835, C. A. Q. 318, p. 210.

As opposed to the apprehensions of Colborne and others we must place the confidence of Talbot who, though American immigrants had been shut out from his reservation, had a better opinion of the loyalty and peaceful disposition of these foreign settlers. "The disaffected are but few," he wrote, "considering all the noise that has been made." Certainly the few who joined the outbreak in 1837 and the patient endurance for so many years of an almost unendurable system argues well for the law abiding nature of the mingled American and English residents of Upper Canada before the days of Durham and Sydenham. However, Canadian affairs had become so critical during the later twenties and thirties that members in the British House of Commons also feared that unless more attention was paid to Canada these colonies would revolt and throw themselves into the arms of their neighbors. It was suggested, therefore, that they should be made a more integral part of the British Empire for if they were not more closely united to the mother country, republican principles would get such a firm foothold that all the colonies would be lost, one after the other.[288]

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[288]Pinsent to Murray, May 24, 1829, C. A. Q. 192, p. 514.

## IX

## BOUNDARY LINES AND FREE NAVIGATION.

In conformity with a provision in the Treaty of Ghent, commissioners were appointed to define the boundaries westward from the point where the forty-fifth parallel of latitude met the St. Lawrence river. The boundary line must run through the Great Lakes and connecting rivers up as far as the head of Lake Superior, and the possibilities for serious disputes lay only in connection with those islands or channels which were of special military or commercial advantage. Barclay and Porter were the commissioners respectively for Great Britain and the United States. In June, 1822, they met in Utica and came to an agreement on the boundary line between the point on the St. Lawrence river from which they began and the Neebish Islands in Lake Huron. In this Utica convention the commissioners were unanimous and therefore according to the terms of the Treaty of Ghent their decision must be final.

As soon as the terms of this convention were made known, however, a storm of protest was directed against Barclay. The municipalities and legislature of Upper Canada were especially irritated because he had awarded Barnhart's Island to the United States. This remarkably fertile island of over two thousand acres lay in the St. Lawrence river near Cornwall. That town was among the first to draw up a memorial requesting reasons why Barnhart's and the Long Sault Islands had not been assigned to Canada; the main channel, it was stated, was not on the Canadian side and the interests and defense of Canada demanded control of them.[291] Maitland, the Lieutenant Governor of Upper Canada, took up the matter and requested Robert Barrie, the acting naval commissioner, to give him a detailed statement of the facts concerning the boundary dispute in the St. Lawrence river. In the fall of 1823 Barrie submitted the results of his investigations. As far as Barnhart's Island was concerned, and that was the real bone of contention, this report was a stinging criticism of Barclay. According to Barrie the award seemed to stand upon no reasonable basis. The nearest distance from it to the Canadian shore was

[291] C. A. Q. 167, p. 97.

one hundred and twenty-four yards in high water and not more than one hundred yards in low water. The nearest distance to the American shore was two hundred and seventy yards, which would be reduced by not more than fifteen or twenty yards in low water. The island was therefore at least one hundred and forty-six yards farther from the American shore than from the Canadian. The American channel was deep, rapid, and safe; the Canadian, shallow, rocky, dangerous, and in some places absolutely fordable. Every winter there was a clear and easy passage over the ice to Canada, but to the American side the ice could not be crossed except on rare occasions and under great danger. Both in winter and in summer the possessors of this island held an immense military advantage.[292]

The Council and Assembly of Upper Canada during the following winter discussed the matter and in January, 1824, presented a joint address to Maitland to be forwarded to the king. They, too, professed to be unable to understand upon what grounds they should have to relinquish all the navigable channels.[293] An additional weight was just then lent to the boundary dispute because of the President's recent message to Congress claiming the free navigation of the St. Lawrence. The Upper Canadian Legislature therefore urged the king to reconsider the St. Lawrence river boundary and to refuse to grant the demand for free navigation. If free navigation were allowed it would be most ruinous to the British interests, they said, it would endanger connection with His Majesty's empire, injure commerce and revenues to an incalculable extent, and facilitate illicit introduction of foreign merchandise.[294] The Barnhart boundary question had by this time become quite serious[295] and Maitland himself strongly supported the sentiments of the address and earnestly desired Bathurst to give the representations from his legislature his most serious consideration.[296]

Although the boundary question and the demand for free navigation were two entirely distinct matters, the members of the British Foreign Office, as well as Maitland's legislature, spoke of them in the same breath. Wilmot Horton, commenting on Barclay's actions and explanations and basing his conclusions chiefly on Barrie's

[292]Barrie to Maitland, Oct. 25, 1823, C. A. Q. 335, p. 199.
[293]C. A. Q. 335, p. 193.
[294]C. A. Q. 335, p. 193.
[295]Not only "some Canadians" expressed apprehensions but the "Legislature of Upper Canada and every intelligent man of either province expressed the greatest surprise and concern" at the Barnhart boundary award. C. A. Q. 343, p. 530.
[296]C. A. Q. 335, p. 185.

report, urged the necessity of Lord Dalhousie's examining whether everything possible had been done affecting this question and in the same paragraph pressed for the best legal opinion upon the assumed right of the Americans for free navigation to the ocean.[297]

Protests against the award reached such formidable proportions that Barclay felt it incumbent upon himself to explain his reasons for acting as he had done and accordingly prepared and submitted an elaborate defense.[298] He said that in order to determine the boundary the commissioners at the outset drew up a set of general rules by which they should be governed. According to these rules the boundary line was to be the "middle line inter ripas;" islands intersected by the middle line were to be divided as equally as possible between the two nations but wherever an island was intersected by such middle line into two unequal parts, the nation on whose side the larger portion lay was entitled to the election to retain the whole or to exchange its portion for an equivalent elsewhere, at the consent of the other party.[299] These rules we shall see were not strictly adhered to, especially at the two disputed points, Bois Blanc and Barnhart's Island, for in both these places Barclay speaks of the *channel*, rather than the middle line, as being the real determining factor.

From the beginning Barclay had preferred the middle line to that of the channel.[300] A channel, he recognized, would have been better and more proper in one respect: it would have unequivocally established a free navigation but the variety of channels in places was a serious objection. A marine survey would have been necessary to determine where the channel lay. The mutability of channels would be a cause for future trouble. The chief objection, however, was that the principal channel lay close to the north or Canadian shore throughout almost the whole length of the lake and river system. There were only two exceptions of consequence: one was at Barnhart Island, the other was in Lake St. Clair. Barclay therefore decided not to favor the adoption of the channel line unless ordered to do so by his government. This order was not given.

According to Barclay, Lord Bathurst was partly responsible for the award. Previous to the Utica convention Bathurst sent what

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[297] C. A. Q. 167, p. 132.
[298] Bathurst to Maitland, July 28, 1825.
[299] Barclay to Canning, Feb. 27, 1826, C. A. Q. 177, p. 20.
[300] Barclay to Canning, June 14, 1828, C. A. Q. 167, p. 98.

he believed to be a very important letter from Goulbourn to Barclay, saying that he thought that the recommendations and advice contained in this letter ought to be followed unless, after due examination and a perfect conviction in the justice of their claim, it should turn out that the United States were entitled to some of the territory therein assigned to Canada. In this letter Goulbourn warned the commissioners not to surrender Bois Blanc nor Navy and Grand Islands in the Niagara River, as these by the Treaty of 1783 were distinctly British. Attention was also called to the importance of retaining Bass Island in Lake Erie and the best channel between Lake Erie and Detroit, namely, that between Sandusky and Cunningham Islands. Barclay received another set of instructions from Castlereagh, which requested him to carry into effect as far as possible certain objects recommended by Commodore Owen. Among these were that he should, for military reasons, secure Picquet Island in the St. Lawrence, Navy Island, and Bois Blanc; but if Navy Island were secured, Grand Island need not be required.[301]

In defense of his part in the Utica Convention Barclay therefore presented these instructions saying that he had followed them as closely as possible, had obtained most of the essentially strategic points, and had received more than his due share of landed territory. He had received Navy Island but had surrendered Grand Island, Niagara, for both positive and negative reasons. In regard to Bass Island both by channel line and by line equally distant inter ripas it belonged to the United States. Then, as if to divert attention from Barnhart Island, Barclay referred to his having obtained Grand Island lying off Kingston, one intersected by the middle line but unmentioned by Owen, a very large one containing some 31,283 acres, and very important because of its proximity to the Kingston dockyards. Thompson, the British surveyor, who by the way seems to have been a good friend of the British commissioner though a rather unreliable surveyor as far as his knowledge of the channels on either side of Barnhart's Island was concerned, eulogized Barclay for his success in getting this island. "No one looked for it," he wrote to Barclay, "at least for more than part of it. It was far more than Barrie expected and gentlemen of the navy and army and merchants give you praise." [302] Barclay pleaded also that of the islands intersected by the middle line,

[301] Barclay to Canning, C. A. Q. 177, p. 20, ff.
[302] Ibid.

42,029 acres fell upon the American side and only 31,054 fell upon the Canadian side. Nevertheless, of the total 73,083 acres, Canada had received 34,500 acres or 3,446 acres more than her legitimate share.

Barclay also emphasized the importance of possessing Bois Blanc. He said, "In addition to the sentiments of Sir E. Owen, to general opinion and to my own observation, through Mr. Hale, His Majesty's agent to the commission, I had learned in what estimation Earl Dalhousie held this island. It was considered the most important on the whole line." [304] In obtaining Bois Blanc for Canada Barclay certainly won the control of the main channel at this point, but the "middle line" principle would also have given him this island.

It is rather curious to see how the general rules were set aside or shifted from "middle line" to "main channel." When Barnhart's Island or Bois Blanc was under consideration the main channel seemed to be the determining factor, yet we are told the rules were to follow the middle line. In order to obtain Bois Blanc Barclay said that it became "absolutely necessary to forsake the rule of a *channel line* in order to preserve His Majesty's interests." Barclay mentions channel line here perhaps because he allowed the channel line as well as the middle line to be forsaken at Barnhart's, but he says the Americans "had lost so many valuable islands by having abandoned the channel line that they would not allow another loss to occur to them * * * by the occasional adoption of it." [305] The British commissioners' argument of the "occasional adoption" of the channel line in reference to Barnhart's seems to be purely specious. He might better have come out boldly and stated that he was dealing with a shrewd bargainer and that the decision was purely the result of higgling in the market. The Americans it seems were more anxious for the control of the channels and particularly of the more important one in the St. Lawrence than they were for the mere possession of one half of the intersected islands. Barclay further defended his action in regard to Barnhart's Island by referring to Mr. Hale, Mr. Ogilvie and others in good standing who approved of the decision; secondly, by showing that Canada already had more than its share of the acreage of islands cut by the "middle line;" thirdly, by trying to prove from impressions derived from his surveyor, Mr. Thompson, that neither the channel

[304] Ibid.
[305] Ibid.

on the Canadian side nor the channel on the American side was entirely satisfactory; that a canal would be necessary and that this canal could be built more easily on the Canadian side. The advantages in the channel, natural and artificial, seemed to be balanced. His fourth and most weighty argument was that there was no need to be alarmed. The United States Commissioner nor no other person, he said, had ever given the least suggestion of any intended obstruction to the free navigation of the St. Lawrence and Mr. Porter had even desired to insert a declaration that their decision had been made on that express understanding.[306] The British Commissioner could thus find no serious objections in the surrender of the island. He insinuated that the leaders among those who had now complained were a group of smugglers who lived on the islands and who feared American justice, should the islands fall into the possession of the Americans.

In defending himself Barclay also mentioned a letter from Lord Londonderry received less than a month before the Utica convention.[308] This letter reveals the fact that, after all, the ceding of Barnhart's Island was a concession to the Americans based on no principle except this that it was necessary in order to prevent further vexatious delay in arriving at a settlement of the boundary up to Lake Huron. Barclay himself ultimately admitted this. Had he made the appropriation of Barnhart's and the Long Sault Islands to His Majesty a sine qua non, a deadlock between the commissioners, would have ensued and the friendly power to which reports must have been referred would either have decided the respective

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[306]Barclay would not allow this to be inserted because he thought he had no authority to do so but he told Porter that he considered both parties entitled, by the law of nations, to the free navigation of all the waters through which the line had passed. To support this theory he made reference to the treaty concluded at London in 1802 by Lord Hawkesbury and Rufus King, representing Great Britain and the United States respectively, which, he stated, "manifests the opinion that the fact of a channel's being bound on both sides by land of one nation is not incompatible with the free navigation thereof by another nation." Barclay is here referring to the boundary line through the St. Croix River. Campo Bello Island was given to the British but the main channel ran between it and the British side of the river. He says that the ministers do not add that there shall be free navigation to and from Campo Bello Island. That is left unnoticed as a necessary attendant resulting from the territorial right and secured by the law of nations as positively as the right of ingress, egress, and regress, through intervening possessions appertains to the proprietor of an estate under the common law of England." p. 118.

[308]The letter from Lord Londonderry received May 28, 1822, reads as follows: "Nor is it easy for us to understand upon what equitable principle the American Commissioner, after allowing upon every other point the equi-distant admeasurement of the central line from main shore to main shore can now make up his mind wholly to break off from that principle with respect to these three islands. His Lordship's dispatch concluded with the instructions to immediately conclude the boundary as it had been provisionally agreed upon by the commissioners, on condition that the American commissioner should yield all claims of Bois Blanc upon receiving renunciation of His Majesty's claim to the other three islands mentioned in His Lordship's letter." C. A. Q. 177, p. 20 ff.

rights as they at present stand, he thought, or would have given Bois Blanc, Lake St. Clair, or Grand Island, Niagara River, in recompense.[809]

In regard to Bois Blanc it is true that the United States had been very anxious to obtain it. In 1817 a British admiral had stated that one of the main objects of the American clamor was to maintain a claim to it. Close beside Bois Blanc there are three other islands, namely, Sugar, Fox, and Stony, which are clearly within British limits on the middle line principle but which were awarded to the United States apparently without any serious struggle.

Although the controversy over Barnhart's Island had waxed warm, Bathurst refused to break the Treaty of Ghent by reconsidering the matter and so the boundaries remained fixed up to the headwaters of Lake Huron. Here the boundary commissioners failed to agree upon the ownership of the Neebish Islands. Barclay insisted that two of the Islands including the main channel should go to the British and the third island to the United States, and refused to yield his point unless direct orders came from his home government.[810] As one looks at the official maps, one cannot wonder at Barclay's stand upon this question. It is surprisingly strange that "that most incompetent diplomatist,"[811] Lord Ashburton, twenty years later should have submitted to the American demands. Such sacrifice was not necessary on Ashburton's part. Barclay had already shown more generosity than business ability and perhaps in no case more than in this very neighborhood, when he allowed the boundary line to pass to the north and east of Drummond Island. This island had always been regarded hitherto as indisputably British territory.[812] The British garrisons at the close of the war were withdrawn there, remained there and no objections had come from the American government that they were still upon United States territory. The old "Detour" to the west and south of this island had always hitherto been considered the boundary line. Nevertheless, before the Utica Convention Barclay had decided to give up this island for the sake of peaceful settlement.

When Barclay and Porter disagreed upon the question of the Neebish Islands nothing further was then done in regard to the

[809]Barclay to Canning, Feb. 27, 1826, C. A. Q. 177, p. 20 ff.
[810]Barclay to Canning, Feb. 27, 1826, C. A. Q. 177, p. 19.
[811]Kingsford, vol. IX., p. 272.
[812]Drummond to Bathurst, Aug. 27, 1815, C. A. Q. 133, 81.

boundary farther west than this point. From Lake Superior westward the only British then greatly interested in the boundary line were the members of the trading companies. These feared lest a foreign power should get possession of the portages and other means of communication whereby their merchandise passed from the west to the east. The Hudson Bay Company, therefore, appealed to the British Foreign Office to have their interests respected.[313] But during all these years that Barclay or others were working upon the boundary settlement, the British Foreign Office, the British Parliament, and the British press seemed to have been almost ignorant of or indifferent to the importance of the whole matter. Yet they appointed commissioners to deal with a people, alert "full of the tradesmanlike principle and singularly bargaining and pertinacious." [314] In the United States the boundary question was mentioned prominently by the President in his speech, the Convention of Arbitration was laid before Congress, confidence was expressed in the justice and evidence of their case, and the subject much boasted and advocated by their press.[315] British silence and apparent indifference certainly did not tend to advance British interests. In vain, did Howard Douglas or Charles Vaughan or the Hudson Bay Company and others try to arouse the lethargic Foreign Office.[316] The British can blame only themselves if British statesmen sometimes found it "mortifying to find that Great Britain (had) been somewhat outwitted." [317]

The demand for the free navigation of the St. Lawrence, although discussed by Barclay and Porter in the Utica convention became conspicuous for the first time during the early summer of 1823. In his December message to Congress Monroe expressed the hope that "the just claim of the citizens of the United States would be satisfactorily arranged." The concessions already made to Porter by the British Boundary Commissioner doubtless prompted Rush, Adams, and Monroe to seek for further concessions. Northwestern produce wanted an outlet to the sea. The acts of the British Parliament of June 24 and Aug. 5, 1822, had stimulated discussion within the United States. By giving the Colonial government in Canada discretionary power to except any of the Canadian ports from those to which American vessels were made admissible it

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[313] C. A. Q. 169, 202 and 89 ff.
[314] Vaughan to Hay, Jan. 25, 1830, C. A. Q. 195A, p. 297.
[315] Douglas to Hay, May 16, 1830, C. A. Q. 195A, p. 112.
[316] Vaughan to Hay, Jan. 25, 1830, C. A. Q. 195A, p. 297.
[317] Ibid.

followed that the enjoyment of the navigation of the St. Lawrence River was rendered contingent upon British permission. This the citizens of the United States would not recognize. Certain regulations regarding timber had already practically prohibited free navigation to the United States vessels.[318]

When the news of the American demand had reached the Legislative Council of Lower Canada most dire apprehensions were aroused. They knew that if the war of 1814 had been continued the enemy had intended to interrupt the water communication to Lower Canada.[319] To comply now with the American claims might facilitate such an action in the contingency of future struggles. In their extreme anxiety for the welfare of the people whom they represented, the Legislative Council of Lower Canada formulated an address—in which for petty, spiteful reasons the Legislative Assembly did not join—to be sent to Governor Dalhousie. This address declared that such a claim was contrary to the Established and recognized law of nations and expressed the hope that innovations upon those laws by so ambitious a neighbor would not be allowed. If allowed, the effect would be to weaken the intimate connection and dependence upon the parent state; it would tend to systematize contraband trade and the evasions of laws and be pernicious in other respects. The Legislative Council also hoped that Great Britain would take this occasion to secure by negotiation the reciprocal right or exercise of navigation during peace of the several channels of the St. Lawrence south of 45 degrees, no matter in whatsoever territory this channel might happen to be.[320] Dalhousie heartily agreed with the sentiments expressed in this memorial and earnestly recommended it to the consideration of the Colonial Office.[321]

While these and other residents in Canada might thus impotently express opinions, the power to act lay with those in London and between this city and Washington diplomatic correspondence began which, strangely enough, contrary to the British custom of making concessions rather than of standing firm, did not follow the course Monroe had hoped it would. Rush tried at first to get an agreement concluded between Great Britain and the United States for

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[318]Rush to Adams, August 12, 1824, C. A. Q., 185, p. 50, ff.

[319]Robinson to Bathurst, July 29, 1815, C. A. Q. 185, p. 50 ff.

[320]Address from Legislative Council of Lower Canada, February 7, 1824, C. A. Q. 166, 26.

[321]March 10, 1824, C. A. Q. 168, 70.

the free navigation of the river, subject to such fair tolls as might be mutually agreed upon, together with the privilege of stopping at certain points along the river if desirable. These privileges Rush urged as a right. To support his demand Rush argued the analogy of the Mississippi River which the British had freely navigated and where they used New Orleans as a stopping place although as a matter of fact they had no treaty right to do so. He thought that his claim was well established by the law of nations, for up to this time it had been tacitly conceded. Using the arguments of Adams, he declared that the exclusive right of jurisdiction over a river originates in the social contract and is a right of sovereignty. The right of navigating the river is a right of nature, preceding it in point of time, which the sovereign right of one nation cannot annihilate since it belongs to the people of another. He declared that the practice had been substantially recognized by all the parties to the European Alliance and particularly by Great Britain at the negotiation of the Vienna Congress treaties which declared the navigation of the Rhine, the Neckar, the Main, the Moselle, the Meese, and the Scheldt, free to all nations.[322] Another argument used by Rush was that United States colonists had helped Great Britain to win the St. Lawrence and therefore they had a strong natural right of free use. The United States on its part would, as a matter of right, grant British subjects the privilege of navigating the Columbia River if it were navigable in British territory.

However well disposed the British statesmen were to treat the question as one of mutual convenience, they wouldn't consider it at all as a question of right. The St. Lawrence River ran for 600 miles entirely through British territory. The American claim of right, they maintained, precluded all considerations of good neighborhood and mutual accommodations. They quoted Vattel and Grotius in regard to the natural right or law of nature theory to disprove the American argument. If the United States meant to insist on such demands, that country must be prepared to apply by reciprocity the same principle to its own rivers. This, the British argued, would mean that Great Britain might navigate even the Mississippi River since there was only a short portage by land between British possessions and the headwaters of that river. The same general principle would admit British vessels to ascend all the navigable rivers of the United States and would lead to extraor-

[322]Rush to Adams, August 12, 1824, C. A. Q. p. 50 ff and 46.

dinary and unheard-of demands; it would allow foreigners into the bosom of every country. Referring to the treaties of Paris in 1814, and Vienna, 1815, the British plenipotentiaries said that neither in the general nor in the special stipulations relating to the free navigation of rivers was there anything to countenance the principle of a natural independent right as asserted by Mr. Rush. The Rhine only was thrown open to general navigation by the Paris treaty, and here it was natural for France, in giving up territory on the banks of the river to stipulate for a reserve of navigation. In case of the Vienna treaty the powers engaged to regulate by common consent and closed saying that no change should be made except with the consent of all the powers bordering on the same river. The powers, therefore, recognized what was due to sovereignty and what was due to voluntary compact. They challenged the American government to present a single instance in which the liberty claimed by the United States was exercised explicitly as a natural independent right. In the case of the Mississippi River, France in 1763 gave up the exclusive navigation of it and the fact of stipulating for free navigation would lead irresistibly to the very reverse of what was maintained by Mr. Rush. The agreement later between Spain and the United States for the navigation of the river would support the same argument. Great Britain was ready to meet the claims of justice or even friendship but colonial policy, commercial and national interests precluded such a preposterous demand.[323]

While Great Britain did stand firm during the negotiations of 1824 to 1827 the merchants of Quebec as late as 1833 had so little confidence in the stability of the British plenipotentiaries that they again transmitted memorials pleading that the concessions asked for in 1824 be not granted to the American seamen.[324]

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[323]British paper on the navigation of the St. Lawrence, 24th Protocol C. A. Q. 185, p. 164.

[324]March 29, 1833, C. A. Q. 311, p. 365.

## X.

## COMMERCIAL RELATIONS.

Although many things of greater or less importance tended to militate against the permanence of the peace agreed to in 1814, there was at least one band of union that in itself went a long way towards fostering the continuance of peaceful relations. The people of both the northern states and the provinces of Canada were knit together commercially. The absence of railroads and canals, a similar absence of good country roads, and the consequent expense of overland transportation induced the states bordering on Canada to export freely their grain, timber, pot and pearl ashes, cattle, and horses, via the only natural outlets, Lake Ontario, Lake Champlain, and the St. Lawrence River.[330]

American trade was directed towards the Canadas during the years of Jefferson's embargo and routes then opened by smugglers were not closed when the embargo was lifted. In fact all through and after the war American trade still flowed northward in increasing quantities.[331] There was the greater incentive to take advantage of the northern route because English goods came into Canada almost entirely free from duty and could be purchased much more cheaply on the St. Lawrence than at the mouth of the Hudson.

The eighty thousand settlers in Upper Canada in 1815, and the two hundred thousand in Lower Canada found it as advantageous to trade with the United States as the Americans did to trade with or through the Canadas. The United States could more cheaply and more readily than England supply the Canadians with many of the necessities and simple luxuries for home and farm—horses, cattle, tea, tobacco, and such things. As a British colony,

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[330] McMaster III, p. 464.

[331] McMaster III, p. 460 ff.—By 1812 the produce of Vermont as far south as Middlebury and of every county of Northern New York from Essex and Clinton on Lake Champlain to Niagara was gathered at Montreal and Quebec. The Gazettes of Albany contained many advertisements of rates of transportation. A barrel of flour could be carried from Ogdensbury to Montreal for 88 cents; from Buffalo for $1.50. Even during the war the illicit trade flourished briskly. "In fact, my lord," wrote Prevost to Bathurst, "two-thirds of the army in Canada are at this moment eating beef provided by American contractors drawn principally from the states of Vermont and New York." Prevost to Bathurst, August 27, 1814. "Like herds of buffaloes," said Izard, "they pressed through the forests making paths for themselves. Were it not for these supplies the British forces in Canada would soon be suffering from famine or their government be subject to enormous expense for their maintenance." Izard to Armstrong, July 31, 1814, McMaster IV. p. 66. And see Niles Reg. Vol. 9, p. 43.

however, the Canadas must have their trade relations defined and dictated by the wisdom or interests of the British Colonial Office. When peace was proclaimed commercial intercourse between the United States and Great Britain was reëstablished as it had existed previous to the war although both Americans and Canadians were anxious for a freer intercourse.

Thus it was that immediately after the Peace the United States sent representatives to England to obtain further commercial privileges. The convention of July 3, 1815, was the result of these negotiations. By this American ships were allowed to carry articles, the growth, produce, or manufacture of the United States, into any of the European territories of his Britannic Majesty, subject to no higher duty than was demanded from British ships carrying like articles, and reciprocal terms were granted to British ships entering United States ports. The United States were also granted privileges of direct trade with British possessions in the East Indies and India, but it was distinctly stated that the intercourse between the United States and British possessions of the West Indies and on the continent of North America should not be affected by any of the provisions of that convention.

In respect to Canada and the West Indies therefore, the old colonial system remained in full force. British colonies in the West had been discriminated against to foster, as it was hoped, British manufacturing, British shipping, and an imperial merchant-marine for the supply of recruits for the British navy. This discrimination against Canada was due to the influence of the British merchant. A month before this convention, a committee of merchants interviewed Bathurst trying to prevent any commercial treaty. They expressed the opinion that the safest policy was to leave trade with the United States to local regulations. From the merchants' standpoint this was desirable, perhaps, because British merchants had a predominating influence in the provincial legislatures. If a treaty were entered into the merchants insisted that United States vessels should be prohibited from the ports of British North America.[382] This they claimed would be the only means of preventing the introduction of tea or Chinese manufactures and East Indian goods as well as foreign European wares into His Majesty's colonies, to the great injury of the trade and manufactures of England.

[382] C. A. Q. 156, p. 172; 162, p. 258; 170, p. 710; 184, p. 894.

The convention of July 3, 1815, seems to have been framed according to the wishes of these merchants, though Huskisson at this very time in the British Parliament pointed out the need of more liberal treatment of the colonies. He noticed how the "long established custom of entire and rigid exclusion of * * * colonies from all commercial intercourse except with the mother country" was already breaking down in Portugal and Spain and their colonies were benefiting thereby. "I am prepared," said he, "to open the commerce of all colonies to all friendly states."[333] Baring, Bright, Burdett and others also stood for a more liberal policy but the colonies were not yet to obtain the legislation best adapted for their progress.

While the mother country was making regulations for the trade of her Canadian and other colonies, the Canadians themselves were making commercial rules with only a partial regard for imperial politics. These colonists had little scruples against breaking up the time-honored colonial system. By an act of the Lower Canadian Parliament the Canadian governor and his executive council were given complete control of trade by land and inland navigation until the local parliament should reassemble. Therefore, on May 29, 1815, Drummond, by proclamation, established temporary intercourse between Lower Canada and the United States, specified the tariff and other conditions under which the trade was to be conducted, and declared St. John on the Richelieu and Coteau du Lac on the St. Lawrence—and such other places as should be announced later—the sole ports of entry.[334] Ocean navigation, of course, continued to be closed against American vessels but inland trade was now practically unhampered except for the small tariff duties.

When news of this proclamation reached England the committee of the Council for Trade by way of experiment sanctioned the arrangements made by Drummond. The relations of Canada with the United States were becoming so important that the committee thought it best to coöperate with the secretary of state and the colonial legislature in forming such permanent arrangements as might seem best suited for carrying on the intercourse and promoting the highest interests of the Canadas.[335]

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[333]Huskisson, Speech on Colonial Policy, March 21, 1815, Hansard II Series Vol. 12, p. 1099.

[334]C. A. Q. 182, p 154 and 191.

[335]Chetwynd to Goulbourne, Nov., 1815, C. A. Q. 134, 98.

[for L.C.]

Drummond's temporary arrangements were due to expire April, 1816, and as no permanent regulations had been made he again submitted the matter to his executive council in March, 1816. As a result a new proclamation was issued stating that "original laws" were to be enforced. These laws, as announced by Drummond, were that certain enumerated articles might be imported from the United States through the ports of Coteau du Lac, Chateauguay and St. John; the enumerated articles included timber and its products—planks, hoops, shingles, clapboards, tar, turpentine, etc. —pot and pearl ashes, seeds and grains, domestic animals, butter, cheese, fresh fish, and "whatsoever is the growth of the United States;" gold and silver coin or bullion, and wampum. Rum, spirits, copper coin, and all other goods, wares, and merchandise not enumerated, that is, practically all manufactured goods and all goods, the growth or produce of any country other than the United States could not enter Canada by way of land or inland navigation.[887]

Just previous to this proclamation, Drummond had received a report from a committee of his executive council stating that according to the laws which had been suspended in 1815, no goods could be imported or exported by American subjects or aliens of any description, and all imports by water must be made in British ships. Drummond apparently did not care to exclude Americans from participating in the trade, for he did not call attention to this in his proclamation. He did, however, incorporate within his proclamation a very significant suggestion of the committee of his executive council. The committee had said, "Inasmuch as it appears . . . . . that flour, Indian meal, pork, and beef, fresh and salted, are not allowed to be imported from the United States and consequently are prohibited, the committee, after due deliberation, humbly submit the following considerations; that it being a matter of public notoriety that the government of the American states are using every possible endeavor to divert the exportation of the produce of those parts of the said states bordering upon the Canadas from their natural outlet by the waters of the St. Lawrence and to turn the transport thereof to the Atlantic ports . . . . . . . . . . . . the committee recommends Drummond because of harm this would do to British shipping and because of distress that would come to people in Quebec from failure of the harvest this year, to give private instructions to the respective collectors at the ports

[887] C. A. Q. 186, p. 127.

to admit duty free any of the articles of flour, etc., so prohibited as aforesaid."[338] Drummond accordingly announced that the regular legal duties would be levied on all imports except those via Upper Canada and except on salted beef and pork, salt fish, fish oil, flour, wheat, peas, furs, and skins. These instructions were sent privately to collectors of customs.

This remission of duties was a policy purely of expediency and discretion and not only without the sanction of imperial authority but in direct opposition to existing imperial statutes. Bathurst objected to Drummond's proclamation in this respect, and when Sherbrooke replaced Drummond during the summer of 1816, the private instructions to the provincial collectors were recalled. However, a discretionary power was still left in the hands of the Governor and when informed of the scarcity of flour in the province and the prospects of a bad harvest, Sherbrooke issued another proclamation authorizing the importation from the United States during the period of six months of grain, flour, live stock, and provisions of every kind free of duty.[339]

Meanwhile the demand for freer trade and for permanent regulations with the United States became more persistent. United States importers were afraid to send in flour lest it be seized,[340] and consequently a shortage in flour still continued. Attempts were made to persuade the local governor and council to take action. It was asserted that free intercourse between Canada and the United States would not only help Canadians but would aid Newfoundland and the West Indies, for their merchants could then buy goods more cheaply in a Quebec market. The inhabitants of Montreal resorting to the customary petition pointed out that ever since 1796 the ordinance prohibiting the importation of the articles referred to above had been successively suspended and beneficially to the province and parent states; the province often needed American produce; Americans therefore sent this produce to Montreal and received British manufactures in exchange; these American goods re-exported supplied the West Indian markets and gave employment to British shipping.[341]

A bill was accordingly framed by the Lower Canadian Parliament and submitted to Sherbrooke. It repealed all acts and ordinances

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[338]Report of Executive Council to Drummond, March 26, 1816, C. A. Q. 186, p. 189.
[339]Sherbrooke to Bathurst, Sept., 1815, C. A. Q. 187, p. 169.
[340]C. A. Q. 147, p. 93.
[341]C. A. Q. 144, p. 21 ff.

affecting the American trade and substituted a general enactment admitting all the products formerly admitted and in addition flour, meal, flaxseed, hempseed, pork and beef, fresh or salted, undressed hides, and skins, cheese, fruit, gold and silver.[842] Sherbrooke reserved this bill for the royal assent because, by the dispatch of July, 1816, Bathurst had forbidden him to sanction any change in trade regulations. But Sherbrooke had his own personal objection.[843] The bill proposed to disestablish the border custom houses. This, he thought, would lead to an increase in the smuggling trade. Then, although he admitted that the natural outlet for the enumerated products was by way of the St. Lawrence, he questioned whether such freedom would not retard the agricultural advancement of the province and, by teaching the people to look abroad for supplies, render them more liable than ever, especially during a period of unfavorable relations with the states to those agricultural distresses from which they had already suffered severely. The imperial committee for trade, upon receipt of this bill, acknowledged themselves to be in favor of freer intercourse but agreed with Sherbrooke that this bill should not be accepted.[844]

When a new governor came out in 1818 the merchants of Quebec and Montreal and others interested in the prosperity of the province presented a memorial to the new governor, Richmond, who forwarded it to Bathurst. This memorial gives us a good résumé of the feelings and wants of the Canadian merchants in 1818. It stated that subsequent to the Treaty of 1794 the inland trade between the Canadas and the United States had been placed on a footing of nearly perfect freedom; that this freedom had subsequently been restricted by prohibiting the importation of East Indian and European goods by way of the United States; that in 1816 an old act had been enforced totally inapplicable to present conditions; that Canadians no longer enjoyed dispensations by order of the Governor-in-council as formerly; that since the Treaty of Ghent the succession of fluctuating and contradictory measures had been very detrimental to commerce; that there was urgent need for general and permanent regulations; and that now since the expiration of the convention of 1815 admitted a change, permanent regulations should be established and these ought to permit the utmost freedom in importing by land or inland navigation all articles of the raw

[842] C. A. Q. 144, p. 21 ff. and see C. A. Q. 132, p. 154.
[843] Sherbrooke to Bathurst May 20, 1817, C. A. Q. 144, p. 21.
[844] Lack to Goulbourn, C. A. Q. 146, p. 73.

produce of the United States or goods in the first stage of manufacture. Such regulations, it was said, would tend equally to the encouragement of the trade of the province, the employment of British ships, and the advancement of the manufacturing and commercial interests of the empire at large.

The memorialists were here appealing to the selfish interests of the English merchants, manufacturers and seamen in order to break down the old colonial system of navigation laws and other restrictions. But they ushered in other arguments to bolster up their plea. It was impossible, they said, to prevent the American trade in any case and as for political objections there were fewer now than formerly because the States were becoming thickly populated and it was well to give this big population an interest adverse to war—in other words to give them an interest in a trade which would be cut off as soon as hostilities should begin.[345]

While the merchants of Quebec were thus expressing their displeasure with the existing system, their American kinsmen were likewise regretting that since the Peace of Ghent, Great Britain had been trying to enforce the colonial system with unusual vigor. A report in Congress declared that the United States had been discriminated against, that American vessels and property were excluded from colonies where other vessels were at times admitted, and that as far as Canada was concerned it was believed that the greater portion of the apparent Canadian exports of bread stuffs and even of lumber was really American products and yet all must be carried by British vessels.[346] Neither Canada nor the United States was satisfied with the system, nevertheless on April 20, 1818, the convention of 1815 was simply renewed for ten years longer and direct sea trade between Quebec and the United States was still prohibited.[347]

Richmond, the Governor of Canada, at this time was sincerely in earnest in trying to arrange a satisfactory settlement of the vexatious trade question, but he was uncompromisingly a British imperialist and little inclined to give local authorities much real power. He wanted the imperial Parliament to enact such legislation as would provide for a fixed revenue to support the Canadian civil list without the need of annual applications to the provincial

[345]Petition from Merchants C. A. Q. 149, p. 142.

[346]Annals of Congress, H. of R., Feb. 9, 1818. Report of Com. on For. Relations and Niles Reg. Apr. 11, 1818, No. 14, p. 118.

[347]Hansard II Series Vol. 39, p. 996, and C. A. Q. 152, p. 310 ff.

legislature. By a permanent trade and tariff law such revenue could be received and the pressing demands for the revision of the laws regulating American intercourse could be accomplished. He feared, too, that the jealousy and caprice of both the Upper and Lower Canadians and the successively enacted temporary statutes or administrative proclamations founded on the ephemeral needs of the moment would tend to unsettle and destroy what might legitimately be a most lucrative and growing source of revenue. For these reasons he transmitted for the approval of the Colonial Office a copy of a bill framed in his legislature at Quebec, and drawn largely in accordance with his own conceptions of what would be best. One of its main objects was the confining of the entire trade of the Great Lake regions of North America to British bottoms.[348]

Nearly five years had already elapsed since the close of the war and Lower Canada had had only a series of shifting and temporary regulations. It had not enjoyed any direct sea communication with the United States. By land considerable liberty had been allowed and much more illegally taken. Discontent prevailed; population was increasing comparatively slowly; the demand for better commercial arrangements increased.

Turning to Upper Canada we shall find that meanwhile this province has had somewhat freer communication with the United States, and has lived a commercial life almost entirely separate and independent from that of its sister colony.[349] One feature of the commercial activity of this upper province was the traffic with Indians residing within the United States. Though Congress in 1816 had passed an act forbidding anyone but an American to trade with the Indians, the act appears to have interfered very little with the transportation of goods by Canadian adventurers. The Indians still clung to the British, and the trading posts at Amherstburg or farther west still received large consignments of furs taken from Michigan, Wisconsin, or the Mississippi Valley.[350]

[348]Richmond to Bathurst, July 31, 1819, C. A. Q. 152, p. 313, 315.
[349]Legislature Journal Upper Canada, Mar. 12, 1816, p. 106. Ontario archives.
[350]Sherbrooke to Gore, Dec. 31, 1816, C. A. Q. 322, p. 120, and Gore to Bathurst, Feb. 3, 1817, C. A. Q. 322, p. 117, p. 172.
The Indians in the eastern part of the province also figured slightly in commercial affairs. Complaints came in that American citizens were monopolizing the Salmon fisheries on the Humber and Credit Rivers and dispensing ardent spirits to the Indians. Lieutenant-Governor Gore who had stilled the tumult at Amherstburg that had been caused by the Indian murder played the same role in this case. Sherbrooke had suggested that the American be excluded from these rivers but Gore replied that the Salmon fisheries were sufficiently protected from abuse and any further laws might appear invidious. He then resorted to the more pacific expedient of removing the Indians.

In regard to general intercourse between Upper Canada and the United States the provincial legislature of Upper Canada had since 1801 to a considerable extent assumed and exercised the right of levying duties on imports and making other regulations. These laws do not appear to have been disallowed in England but rather to have been acted upon without question.[351] The restrictions in matters of trade and tariff imposed upon all provincial legislatures by the act of 1791 seem to have been entirely overlooked. The British Lords of Trade were either poorly informed or little interested in the details of the commercial intercourse.[352] The Upper Canadians, either from inattention to the provisions of the navigation laws or from a convenient conviction that they did not apply to the inland navigation of the waters separating the Upper Province from the United States, so little regarded these navigation laws that vessels owned and manned by subjects of the United States were permitted without the least interruption to import and export goods and even to engage in the carrying trade from port to port along the Canadian shores in the same manner as the purely British vessels.[353] Of the eighty schooners employed in navigating Lake Erie not more than ten belonged to or were navigated by subjects of His Majesty.[354] So habituated were the Upper Canadians to the practice and so well did it harmonize with the needs and desires of the colonists, many of whom had been fellow countrymen of the transgressors, that when in 1816 and 1817 one or two of these American vessels were seized for violating the British navigation laws there was not only objection to the seizures but a general surprise that such seizure could legally have been made.

As in Lower Canada it had been customary for the legislature to delegate to the Lieutenant Governor-in-Council its real or assumed power of regulating trade, so in Upper Canada in the spring of 1816, on the failure of the legislature to act, Gore took advantage of a similar privilege and issued an order-in-council establishing trade regulations and fixing a schedule of duties for the year

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[351]Attorney-General Robinson's opinion, Nov., 1818, C. A. Q. 324, p. 194, and Maitland to Bathurst, C. A. Q. 324, p. 180.

[352]C. A. Q. 321, p. 229.

[353]C. A. Q. 321, p. 229 ff.

[354]Maitland to Bathurst, C. A. Q. 324, p. 180.

ending April, 1817.[355] It must be noticed that according to the schedule of 1816 not only raw materials and natural products of the United States, but some manufactures were also admitted, the duty ranging from about twenty-two to thirty-five per cent. The things the settler needed for food or for planting and working his soil were admitted free of duty and included beef and pork. Furs of all kinds were admitted free so as to foster the Indian trade. Extra charges were put upon goods brought in by American vessels but American shipping was not prohibited.[356]

Meanwhile a petition from Kingston merchants revealed the attitude of a certain clique who by appealing to the instinct of patriotism, fear, fairness to Lower Canada, and by repeating specious economic doctrines, endeavored to induce the legislators at York to favor their interests rather than the welfare of the settler.[357] These petitioners regretted that the carrying trade in Upper Canada was done by United States vessels, that Lake Ontario was becoming a nursery for American seamen, that American goods which would have to pay duty in Lower Canada, were admitted into Upper Canada duty free, that by such laws and laxness contraband trade was increasing, that through the influx of American

[355]Schedule of duties under the order-in-council, Apr. 18, 1816:

| | Ad Val. Per Cent | Specific | | Ad Val. Per Cent | Specific |
|---|---|---|---|---|---|
| Anchors | 22 | | Glue, lb | | 5d. |
| Locks and hinges | 22 | | Gunpowder, lb | | 4d. |
| Beer, etc., in casks, per gal. | | 6d. | Hemp, cwt | | 7s. 6d. |
| Beer, in bottles | | 1s. | Iron | | 7s. 6d. |
| Books | 35 | | Lead | 22 | |
| Carriage | 35 | | Malt, bu | | 1s. |
| Cards, playing | | 1s. 6d. | Nails, pd | | 2 1-2d. |
| Cards, wool or cotton | | 5s. 3d. | Salt, bu | | 1s. |
| Candles, tallow | | 2 1-2d. | Paper | 35 | |
| Candles, wax | | 7 1-2d. | Steel, cwt | | 10s. |
| Canes, etc | 35 | | Spirits, from molasses | | 8s. 9d. |
| Cotton goods | 25 | | Spirits, distilled from grain, per gal. | | 2s. 1-2 d. to 8s. 9d. |
| Wool and Manu | 35 | | Shoes | | 1s. 3d. |
| Cordage, per lb | | 3 1-2d. | Tobacco, unmanu. | | 4d. |
| Clothing | 35 | | Tobacco, manu. | | 7d. |
| Fish, dried per quintal | | 5s. | Wearing apparel and personal baggage | | free |
| Fish, mackerel, bbl | | 6s. | | | |
| Furs, undressed | free | | | | |
| Glass | 30 | | | | |

All other goods and manufactures of the growth and produce of the United States in America not otherwise enumerated, 30 per cent, except wheat, barley, rye, oats, peas, beans, pot and pearl ashes, staves, oak and pine timber, beef, pork, live cattle, cheese, butter, and all other provisions, which may be permitted free.

Twelve per cent upon the above duties to be paid on such articles as are imported in foreign vessels and every ship, boat, or vessel exceeding 5 tons burden belonging to subjects of the United States entering any port or harbor of the province should pay a duty of 12s. 6d. per ton. C. A. Q. 324, p. 202.

[356]Journal L. A. U. C., Feb. 8, 1816, Ontario Archives, p. 10. The substance of Gore's proclamations of 1816 had been suggested by a special message from the Prince of Ghent and Colonial Office. Gore informed the Assembly of the message on Feb. 9, 1816.

[357]Journal L. A. U. C., Mar. 12, 1816, Ontario Archives, p. 106.

goods for sale specie was being drained from Upper Canada, and, therefore, the petitioners recommended that the carrying trade be done by British boats only.

In the spring session of 1818 the Upper Canadian House of Assembly tried to revise the existing laws and accordingly framed a bill which was rejected by the Legislative Council. The bitter hostility between the two houses all through these years tended to prevent legislation of any kind and over this particular bill such disputation arose that no further progress could be made and so the administrator, Smith, prorogued Parliament with nothing accomplished. The popular assembly wanted freer trade with their neighbors. The legislative council, looking beyond local interests, meekly following British instructions, or observing British interests, conceived that British shipping would not be sufficiently protected. In the fall of 1818, however, sufficient harmony existed between the warring elements to allow a bill to be agreed upon by both houses.[358] The governor, Maitland, signed the bill but nevertheless had scruples as to whether he was acting within his constitutional limits. No particular trade instructions had been communicated to him by the home government and nothing had previously occurred during his administration to call the navigation laws and their application to Upper Canada particularly into discussion and so he was not fully aware of the delicacy of the question involved. His attorney-general informed him that provincial acts had repeatedly exceeded the authority of the legislature, that the present one was no exception, and because provincial acts had been acquiesced in since 1801, custom had partly compensated for non-validity.

This opinion of Attorney-general Robinson clearly shows how little the Parliament of Upper Canada understood what was its constitutional power. With characteristic frontier freedom and with the natural instinct to feel that he is best served who serves himself, they did not wait for instructions but ministered to their own needs and doubtless never questioned whether this was legal or illegal. It seemed necessary and that was a sufficient warrant. Maitland, however, stood between these pioneers and the all-controlling power across the ocean. He was extremely anxious that no question should later arise concerning constitutionality and therefore immediately communicated to Bathurst his

[358]Journal of L. A. U. C., Nov. 27, 1818, Ontario Archives; Maitland to Bathurst, Dec. 8, 1818, C. A. Q. 324, p. 180.

doubts in respect to the tonnage clauses and the effect of the navigation laws in general upon the inland navigation of America, so that if he had erred His Majesty's dissent could be announced by proclamation before the next spring. Thus a similar haphazard system or lack of system prevailed in Upper as in Lower Canada, during these first years after the war.

In the absence of definite treaty regulations the trade of Upper and Lower Canada was dependent as much upon acts of Congress as upon the acts of the Canadian British governments. The United States had not yet adopted the high protective tariff system. A comparatively low duty was levied on imports for revenue purposes only and many foreign goods were admitted duty free. The fur trade was profitable and so while Canadians were forbidden to trade with American Indians, Canadian furs, and peltry were among the goods admitted free of duty. Before the opening of the Erie Canal the people of the Northern States, anxious for an outlet for their produce, desired freer commercial intercourse with the Canadas. When this was not granted by the British government, Congress in 1818 intimated to Great Britain that unless certain concessions were made, the United States would close its ports against British vessels arriving from any colony of Great Britain closed against vessels owned by citizens of the United States, and would prohibit the exportation in British vessels to all such colonies of any article the growth, produce, or manufacture of the United States. Even British vessels taking on board productions of the United States in United States ports would be obliged to give bond not to land them in a British colony from which vessels of the United States were excluded. These provisions would be injurious to St. John, New Brunswick, and Halifax, Nova Scotia, rather than to Quebec, for Quebec as yet did not enjoy the liberties of these two places.[362] Two years later Congress did definitely close the ports of the United States against every British vessel coming from Lower Canada, New Brunswick, Nova Scotia, Newfoundland or the West Indies, and British vessels must give bond not to land United States goods in any of the prohibited places.

Undoubtedly influenced by movements in the United States and by newspaper articles, by petitions and by discontent in the Canadas the tardy Colonial office began, during the early twenties, to

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[362]United States Statutes at Large, Chapter LXX, Apr. 18, 1818.

consider more carefully the Canadian trade problem.[362a] Bathurst prepared a sketch of a bill for the regulation of the Canadian commerce and sent it to Governor Dalhousie for consideration.[363] This proposed bill, though more liberal than the previous statutes, kept distinct the sea navigation from the inland trade and continued in the British Parliament the sole power of regulating both. Certain enumerated goods either for home consumption or for exportation were to be admitted duty free, others, subject to duty, some entirely prohibited, but in general, these were the same as those already existing in Lower Canada. There was a proviso that by proclamation the governor, if he deemed it expedient, might exclude flour except for exportation. All goods the growth or manufacture of the United States which might be admitted into England might also be admitted into Canada free of duty provided that these goods were exported in British ships to any place other than the King's colonial dominions.[364]

While this bill was being discussed the British merchants, manufacturers, and shippers were not standing idle, for they were anxious to retain or increase their present profits unfettered by foreign or colonial competitors. More than one-half the Canadian imports continued to be British manufactures.[365] The population of Upper and Lower Canada was now between four and five hundred thousand and was increasing at the rate of five per cent per year. The trade, therefore, made it worth while to bring influence to bear upon Parliament or upon the Colonial Office in particular. The British agriculturists were no less active than the merchants. It was to satisfy them that no colonial corn had been admitted into England for consumption unless the average price of British wheat exceeded 67s. per quarter. Hence, all that had arrived in England after October 20, 1818, had laid unsold in English warehouses. Colonial grain was thus rendered almost valueless. Then in 1821 and 1822 the colonists were in dire distress, burdened with a double monopoly—bound to buy from the British only and forced to sell their surplus in British markets under most disadvantageous terms.

[362a] "It may seem strange, incredible, that the bounty of nature, the finest navigable river in the world should be rendered useless as an outlet to the sea . . . . . but whoever will consider by what law trade is naturally regulated the course which we have supposed the trade of the Canadas will take under the permanency of the existing legislative regulations of Great Britain is neither fanciful nor far distant." From the Quebec Gazette, Aug. 30, in Niles Register for Oct. 13, 1821—an editorial on the opening of the Erie Canal.

[363] C. A. Q. 157, p. 129.

[364] C. A. Q. 157, p. 129.

[365] Young to Wortley, May 28, 1819, C. A. Q. 153, p. 470.

Despite the distress of these years some British merchants still petitioned Goulbourn that no alteration be made in the duties, so as to give advantages to foreigners greater than those already possessed. Other merchants waited upon Bathurst with a similar petition.[366] The Canadians, on the contrary, demanded the right either to make their own regulations entirely or have the liberty to purchase at least all heavy goods in the United States.[367] By addresses to the imperial parliament and by petitions, powerful pleas were made for better terms. The hard times and distress, especially severe in Lower Canada, were traced to the lack of market from produce, and the restrictions upon importations.[368]

Although the Canadian felt himself oppressed, he was not so generous as to favor proposals to open to American shippers and merchants the ports of a sister colony, the West Indies. He objected because Canada supplied these islands with grain and received rum, sugar, etc., in return. The heavy crops of 1822 gave promise that Canada alone could supply all the needs of the West Indies if rid of competitors.[369] The practical exclusion of colonial grain from England compelled the farmers to demand some external market, even if another colony should suffer.

Fortunately, there were in England itself persistent advocates for Canadian rights. One has only to read the debates of the House of Commons of February, 1821, or March, 1822, to perceive that the Canadian colony was not forgotten. Mr. Marryat, on the floor of the House impassionately and forcefully described how the colonist was bound by Britain in trade; how he must draw all his supplies from Great Britain; how everything about him and belonging to him was British; his woolens, linens, and leather, the ax with which he felled his timber, the grate with which he cooked his food, the plates, the dishes, knives and forks, mugs and glasses with which he ate his food, were British; his surplus means were spent in British manufactures and produce and this expenditure gave life and animation to British industry.[370] It was again this same man who a year later called the attention of the Commons to the fact that the levying of a duty on Canadian timber and the lowering of a duty on timber from the Baltic had so reduced

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[366]Petition June 19, 1820, C. A. Q. 156, p. 172; Feb. 25, 1822, C. A. Q. 162, p. 258; Feb. 12, 1824, C. A. Q. 170 p. 710.
[367]March 30, 1822, C. A. Q. 163, p. 485.
[368]C. A. Q. 162, p. 259.
[369]C. A. Q. 163, p. 522.
[370]Marryat's speech, Feb. 9, 1821, Hansard II, Series 4, p. 549.

the price of colonial timber that it would not pay the expenses of cutting and transportation. He pointed out how the revenue in Lower Canada had fallen from twenty to thirty per cent in one year and this was due to British imposition.[871] Others in the same debate came to Marryat's support. Ellice noted the decline in the prosperity of the Canadas, especially since 1822. Ricardo argued that Canadians ought not to be forced to buy in British markets. Sir J. Mackintosh declared that "the House was bound to consult the feelings of the people of Canada."[871a] These men at length prevailed over Brougham,[872] who favored the duty on Canadian timber, and Bennet,[873] who thought that the English agriculturists had already been sufficiently injured by American grain smuggled into the Canadas and reëxported as Canadian grain. Revised regulations were prepared and received the royal assent on June 20, 1822.[874]

By this bill Quebec, for the first time, was opened to direct trade between United States and Canada. Either British or American vessels were permitted to carry enumerated articles which included grains, domestic animals, flour, and tobacco, but manufactured goods were almost entirely excluded. In the levying of duties there was a curious recognition and incorporation of Canadian statutes. Imperial duties were assigned but if there were a colonial duty on the same article, then the imperial duty should be paid, provided the colonial duty were less; if not, the colonial duty would be paid. Ocean navigation was now partially freed from shackles and this new liberty diminished the occasion for special privileges and legal dispensations as well as for the very illicit intercourse by which Canadians had hitherto evaded restrictions and exchanged goods with their neighbors to the south.[875]

Influenced by the British legislation of June, 1822, Congress suspended the acts of April 18, 1818, and May 15, 1820, as far as Quebec was concerned. By this suspension any British vessel was permitted to come directly from that port bringing any article of the growth, produce, or manufacture of that colony—except specie and bullion—as long as these same goods might be exported from that part on equal terms in vessels of the United States.[876] The President, however, until assured that tonnage duties had entirely ceased in

[871] Hansard's Debates, Mar. 13, 1822, series 2, vol. 6, p. 1078.
[871a] Sir J. Mackintosh in H. of C., July 18, 1822. (Hansard.)
[872] Hansard, for Mar. 13, 1822.
[873] Ibid.
[874] Act II, George IV, p. 44, 45.
[875] Robinson's speech, Apr. 1, 1822, Hansard, series 2, vol. 6, p. 1414.
[876] Statute United States, March 1, 1823.

Quebec, ordered that there be continued the discrimination against British shippers of the one dollar tonnage and the ten per cent extra duty. In retaliation a British order-in-council was issued charging the same tonnage and extra duty on American vessels and goods entering Quebec and other British ports.[877] Thus, these extra charges, continued on both sides. In the spring of 1824 Congress passed a new tariff law making a general and considerable augmentation in the import duties. This affected the British at home much more than it could affect the North American colonies and in the following year the imperial Parliament revised its tariff laws and, recognizing that the "law of customs (had) become intricate by reason of the great number of acts relating thereto" repealed all existing acts and issued new and detailed regulations for the trade of the British possessions abroad.[878]

By this British act of July, 1825, Quebec, Halifax, and other enumerated ports in British North America and the West Indies were declared "Free Ports," that is, to these the ships of foreign nations might bring the produce of their own country and carry back the produce of the British possession on condition that British vessels were guaranteed the same favors in the colonies of these foreign countries; or if any foreign nation not in possession of colonies desired to trade with colonies of Great Britain it might obtain this privilege by a special order-in-council from His Britannic Majesty. In other words, the direct trade of Canada and the West Indies was thrown open to the United States provided the United States placed Great Britain among the most favored nations. Among a list of articles which no foreign vessel might carry into British possessions in America we find gunpowder, arms, ammunitions or utensils of war, tea, which had previously been prohibited, and beef and pork, which had previously been admitted into the Canadas through special orders of the governors. A duty of from seven to ten per cent ad valorem was levied on live stock and a host of other imports, one shilling per bushel upon wheat, thirty per cent ad valorem upon leather and linen manufactures, twenty per cent upon soap, sugar, and tobacco, and fifteen per cent upon goods not otherwise enumerated, which would include, as far as the Canadas were concerned, the clothing, implements and tools of the colonists. While Quebec was the only authorized seaport for the

[877]British State Papers, 1822—28, Vol. X, p. 781.
[878]An Act of VI George IV, Chap. 114.

Canadas, inland trade with the United States was permitted subject to the same duties and other regulations as for goods brought in at Quebec. One of the new features of the act was the establishing of bonded warehouses where imported goods might be housed temporarily free of duty until either sold or reëxported.

When introducing this bill Earl Bathurst tried to convince the Lords that this proposed act was a "complete abandonment of what had hitherto been regarded as the English Colonial System * * * (that) it could no longer be said that Britain placed her colonies in a worse situation with respect to trade than the United States * * * (that) the colonies would now enjoy not only the same advantages as the United States, but colonial vessels would be entitled to all the advantages of British ships * * * (that) in all former measures for regulating the colonial trade prohibition formed the rule, admission the exception, but now admission was the rule, prohibition the exception."[378a]

This speech is interesting from the fact that the spokesman of the Colonial Office is here frankly and officially announcing the passing of the old Colonial System. The liberal views of Huskisson, Marryat, Baring, Bright and others were apparently becoming embodied in legislation. Complete liberty, however, in trade and navigation was as yet by no means obtained and not a year had elapsed until the House of Commons heard Baring declare that "it was not possible to preserve them (the North American Colonies) but by giving them all the advantages of a free trade * * * Since the American war these colonies felt their own power and knew their own interest and it was not possible to retain them by violence or subject their trade to unnecessary restraints." [379]

What goods could be legally imported or exported, what goods should be free from duty, and what should be the rates charged on the unfree goods, whether goods could be carried in British or American bottoms, and what should be the ports of entry—ever changing regulations in these matters by provincial, British, or American government had annoyed and even yet continued to annoy and inconvenience the Colonists. To cite but a few cases of this. During the year 1823 merchants acting in good faith imported in American bottoms pot and pearl ashes, etc., which were

[378a] Earl Bathurst in H. of L., June 14, 1825, Hansard, series 2, vol. 13, p. 1182.

[379] Baring's Speech, May 13, 1826, Hansard II series, Vol. XV, p. 1190; Huskisson's Speech, Feb. 14, 1826, Hansard II series, Vol. XIV, p. 361; Ibid, May 12, 1826, Hansard II series, Vol. XV, p. 1144.

allowed to pass through the customs houses at Coteau du Lac, but were seized at Montreal.] The case was referred to Governor Dalhousie who, appreciating the merchants' position, released the goods on account of the uncertainty of the law, and requested the home government to take steps to prevent repetitions of this sort.[880] A little later merchants of Montreal made vigorous complaints because, through lack of definite information, duties were being levied by Canadian custom house officers on goods admitted free by imperial acts.[881] An imperial order, decreeing that the remuneration for custom house officers should be by definite salary and not by fees, tended to remove trouble of this kind arising from unscrupulous officials who endeavored to collect all the duty possible so as to swell their own private purses.[882] Montreal merchants, however, still felt themselves unprotected from the meddlesome legislator, and customs officer, and even after the act of July, 1825, prayed the imperial government that no further alterations be made in the trade relations until time and experience should prove the effects of existing laws.[883]

In the United States a similar sentiment prevailed. President Monroe realized the baneful results of temporary and unstable regulations. In his message at the opening of the second session of his last Congress he said that it appeared from long experience that no satisfactory arrangement for commercial intercourse with the British possessions in America could be maintained by legislative acts while each party pursued its own course. His proposition was to regulate commerce by treaty.

However desirable it might be that the stream should run in a less tortuous and tumultuous course, the fates had decreed otherwise. No treaty was signed. Instead, an order-in-council of July 27, 1826 declared that the United States had not fulfilled certain conditions required for the continuance of the act of July, 1825, and therefore, the British ports of South America, West Indies, Bermuda, and Newfoundland were to be closed to the United States.[884] To meet this new turn of events the Senate of the United States attempted to father a bill abolishing discriminating duties against goods imported in British vessels from Lower Canada and other British American colonies if the British would recall this order-in-

[880]Dalhousie to Bathurst, Feb. 27, 1824, C. A. Q. 168, 37.
[881]Kempt to Murray, Oct. 26, 1828, C. A. Q. 183, 82, and 86.
[882]Bathurst to Maitland June 7, 1826, C. A. Q. 62.
[883]C. A. Q. 176, p. 2.
[884]American State Papers, vol. XIII, p. 866.

council and agree not to levy any discriminating duties on goods imported by American vessels into British ports; but the House of Representatives threw out the bill, and President Adams by proclamation prohibited all trade and intercourse authorized by the American act of 1823 between the United States and the British ports in South America, West Indies, Bermudas, Bahamas, and Newfoundland.[385] This state of affairs continued until Jackson's proclamation of October 5, 1830, which reëstablished the intercourse. The closing of the West Indian ports to the United States' trade had been beneficial to the Canadas and these provinces were loath to hear that trade would be reopened.[386] They had sent their surplus produce to the West Indies and the general carrying trade had been increased for American produce of the lake region found its way into Canada en route to England rather than to the West Indies where otherwise it would have gone.

The formal convention of July, 1815, renewed in 1818, was again renewed in 1827, this time indefinitely or at least until either party should give twelve months' notice that they wished it to be annulled. The renewal of this convention practically meant nothing except the continuance of the existing status; but in April, 1831, the Imperial Parliament passed an act favorable to the British shipping interests, favorable to the American states and territories adjacent to the Great Lakes, favorable to some infant manufacturing industries in Canada but unwelcomed by many Canadian farmers. By this act, grain, flour, beef, pork, wood and lumber were henceforth permitted to enter the Canadas duty free; and these same commodities were permitted to enter the British West Indies and South America duty free if imported from any other British possession in North America.[386a] By the custom house construction of this act, American grain and flour imported into the Canadas might be reëxported duty free to the West Indies and South America but if reëxported to England it would be subject to all the previous duties and restrictions. American wheat, however, might be imported into Canada and there ground into flour and this flour reëxported on the same terms as colonial flour. The practical results of this act were that Canadian wheat was bought up and

[385] Senate Proceedings, Feb. 28, 1827, and U. S. Stat. at large, 1827, App. I, p. 796.

[386] C. A. Q. 354, p. 70—Niles censures the American administration for the conditions under which the W. I. ports were opened to American ships. He says Canadians paid a lower duty and nearly monopolized the U. S. trade even after 1830. Niles Reg. Apr. 9, 1831, page 90.

[386a] Statutes at Large, I, William IV, Cap. XXIV.

shipped to England. Then American wheat was imported to supply the Canadian home market and the West Indies. After this had been sufficed American imported wheat was manufactured into flour and re-exported upon the same terms as Canadian flour. The Canadian flour manufacturers, the West India planters, the Colonial and British shipowners, and every class within England except the landed proprietors were all recipients of benefits from this act;[386b] but the York Colonial Advocate declared that Canadian farmers were being sacrificed, and New York, Pennsylvania, Ohio and Michigan enriched.[386c] These states were fully aware of what this act meant for them. The great natural outlet for the West was now more freely opened and although the Erie Canal offered facilities for transportation to New York, nevertheless a more staple market and higher prices were offered in Montreal and consequently a large part of the produce of the Northwestern States passed into Canada.[386d]

The general course of trade during the early thirties was comparatively smooth, yet petitions continued to be sent to governors and to Parliament, and disputes of one kind or another were not infrequent; controversy, for instance, arose over the circumstance that tonnage duties continued to be levied on American vessels, entering British ports on Lake Champlain, in spite of the fact that the order-in-council of July, 1826, had been superseded by another order of November 5, 1833, abolishing the tonnage duty of 4s. 3d. and extra duty of 10 per cent ad valorem, the United States having agreed to abolish duties on British shipping. The affair was settled by the Canadians explaining that the charge in Lower Canada by the customs house officer there was only a mere trifle to help pay for the expenses of the post, and it had been established by a local provincial act. Nevertheless, it was discontinued at the expiration of the provincial act in 1834.[387] In Upper Canada similar troubles arose over the coasting trade until Colborne sent definite instructions to the local collectors in 1833 to cease collecting any charges except such as were enacted from Canadian or British boats in Ameri-

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[386b]Montreal Herald quotation in Niles Register, July 2, 1831, p. 310; Montreal Gazette quotation of Nov. 8, 1831, in Niles Register, for Nov. 26, 1831, p. 238.

[386c]York Colonial Advocate (quotation in Niles Register July, 1831). Americans it was claimed would grow wheat and manufacture flour cheaper than the Canadians, and the York paper saw how this American grain and flour would now compete in the English and West Indies markets against the Canadians.

[386d]Buffalo Advertiser (quotation in Niles Register July, 1831). Cleveland Advertiser (quotation in Niles Register, Oct. 29, 1831, p. 165. Niles Register Sept. 7, 1833, p. 24).

[387]C. A. G. 223.

can harbors.[888] In addition to the complaints in which the United States were specially interested, a great deal of discontent was voiced in Upper Canada. Because tobacco could be grown near Amherstburg the people of that town sent in their little petition to persuade parliament not to diminish the import duty on this questionable luxury.[889]

Reports from the Upper Canada Assembly, however, reveal to us the fact that the regulations of 1825 to 1830 had proven to be by no means satisfactory. The first report on trade and commerce of Upper Canada by a select committee in 1835 sums up the long-standing grievances of the period. The report is really the work of the more radical members, Wilson, MacKenzie, Shaver, McMicking, and Durand, but it is nevertheless significant. It states the cause of distress in Upper Canada to be due to the restrictions laid on the trade of the colony and compares the disadvantages under which the land owners and merchants labor as compared with the same classes on the opposite frontier. It regrets that laws for the regulation of trade are dictated or enacted by the Parliament of the United Kingdom and changed and varied without consulting the province, that some articles of general utility were either prohibited or could be imported only in British ships or from a British port and all this was for the advantage of capitalists residing in Europe.[889a]

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[888] C. A. G. 228.

[889] Petition Dec. 21, 1832, C. A. Q. p. 86.

[889a] Report on Trade and Commerce of Upper Canada, Legislative Assembly of Upper Canada, 1835, Appendix C. A.

The duties levied on products of the U. S. to date from Mar. 4, 1835:

| | |
|---|---|
| Horses per head | 50s |
| Mules | 40 |
| Cattle 1 and 2 yrs. | 8 |
| Cows 2 and 4 yrs. | 15 |
| Oxen | 20 |
| Hogs | 10 |
| Fresh pork, cwt. | 5 |
| Fresh beef, cwt. | 3s 9d |
| Salt pork, cwt. | 5 |
| Salt beef, cwt. | 3s 9d |
| Hams, bacon | 10 |
| Butter and cheese | 10 |
| Lard and tallow | 5s |
| Wheat, bu. | 1s 3d |
| Rye, corn, bu. | 1s |
| Sheep, head | 1s 3d |
| Mutton, cwt. | 2s |
| Pease, bu. | 1s |
| Barley | 9d |
| Oats | 6d |
| Potatoes | 6d |
| Buckwheat | 6d |
| Apples, bu. | 6d |
| Hay, ton | 10s |
| Flour, cwt. | 2s 6d |
| Rye flour, cwt. | 2s |
| Buckwheat flour | 2s |
| Indian meal | 2s |
| Beer, bbl. | 5s |
| Cider, bbl. | 2s 6d |

By a later amendment duties were levied on leather from 1s 3d up to 5s per lb. And the duty on salt was reduced from 6d to 3d per bu.

Journal of Legislative Assembly of Upper Canada for March 14, 1833, Ontario Archives.

[889b] Journal of House of Assembly of Upper Canada, 1821, Reports No. 6, 9, 10. Journal for 1834, Ontario archives. Journal H. of A., U. C. Nov. 27, 1818, May 7, 1819; July 12, 1819, etc., in Ontario Archives for earlier discontent.

The revenue arising from duty on goods imported from the United States for 1834, the year immediately preceding that in which this report was brought, was £3,236. 7s. 9¾d. amount collected during the year 1820. These figures not only show the rapid growth of the trade but reveal the importance of the matter to the legislative assembly.[889b]

With an ever-increasing population in both provinces and in the neighboring states, with American settlers continuing to move from the United States, and with the better facilities for trade, new roads, new waterways, and reciprocity with regard to the shipping and coasting trade, it was only natural that there should be a growth in the volume and variety of goods exchanged. The settlers in Upper Canada, and it was here that the population grew the faster, brought with them some household and farm supplies from their native country; but for some time after settling they could not supply themselves from their own homesteads with articles that later that same farm would yield in abundance. When a bill was before the Upper Canadian Legislature in 1835 to lay a comparatively high duty on horses, cattle, hogs, sheep, mill machinery and other things, many people in the province were opposed because these things could not be produced in quantities at all adequate to the demand. The supply for these lay in the United States,[890] and the opponents of the bill wanted to procure that supply as cheaply as possible. It is rather interesting to find that timber which from the earliest colonial times had been imported from New York and New England states into Canada by thousands of feet en route to the British market, now by 1835 began to move from Canada to New York[891] in payment for American goods imported into Canada.

While the legitimate trade since 1815 was struggling against navigation laws, temporary, confusing, and sometimes conflicting enactments, and uncertain information in regard to the interpretation or significance of imperial or provincial decrees, a brisk and flourishing underground traffic had developed unhampered, even fostered by legislation on both sides of the line. We must remember that the East India Company held exclusive privileges. The colonies had no legal means of getting the produce from the Orient except by way of Great Britain and Great Britain itself was supplied by this company. By the convention of 1815 the United States were

[889b]C. A. Q. 385, p. 38, p. 263.
[891]C. A. Q. 155, p. 389.

granted privileges of direct trade with British dominions in the East Indies and in India under the most favored European nation clause. This meant that as far as the United States were concerned the East India Company's monopoly was broken, but as far as the Canada's were concerned, it still held. Because this monopoly did hold and because of the necessity of unloading and reloading in England, and because of the circuitous voyage, Oriental goods were much higher priced in Quebec than in New York; consequently smuggling of Asiatic goods into Canada increased. The long line of poorly protected frontier made it possible and easy to smuggle any kind of goods, but the professional smuggler, however, dealt chiefly in those commodities which were easily transported and would yield him great returns for the risk taken. One of the chief of these commodities was tea and in this the smuggling trade became so systematic and so injurious to the revenues of the Canadian provinces that in 1824 the Quebec Legislature tried to take effective means to prevent it.[392] The council and assembly sent a joint address to England respecting the illicit trade in goods from China and India and suggested methods of supplying the inhabitants by arrangements with the East India Company or by direct importation.[393]

A letter written by Weltden, who traveled in America in 1823, and who professed neither to be engaged nor personally interested in any mercantile pursuit, is very illuminating on the actual state of the smuggling trade. During the first quarter of the last century, he had noticed the extraordinary progress of American shipping and commerce in Europe and Asia and when he came to St. Johns, New Brunswick, and traveled up the St. Croix River, he discovered that a part of this rapid development was due to the fact that Americans were carriers for not only their own people but for the British colonists also. Under cover of impenetrable fogs, they supplied the maritime provinces with more than half of the Asiatic goods consumed. He passed up through the partly constructed Erie Canal and found that thousands of chests of tea were conveyed by this route to Rochester and the Niagara River. Buffalo had "risen like another Phoenix from its ashes" and its prosperity was due to its advantageous position as a distributing point. But Weltden believed that a great share of its wealth came from its illicit trade with

[392] C. A. Q. 170, p. 678.
[393] Dalhousie to Bathurst, Feb. 27, 1824, C. A. Q. 168, p. 88.

the Upper Canadians and that a similar condition of affairs existed at Rochester, N. Y., and on Lake Champlain. He also estimated the amount of tea smuggled to be twice as great as the amount legitimately imported.[394] The statistics for the port of Quebec certainly seem to bear out this statement for, though population had been annually increasing, and the people were drinkers of tea rather than of coffee, the importations at Quebec, the only port where tea could legally enter, had rapidly declined after 1815. The statistics for the customs house at Quebec may not be absolutely accurate but they sufficiently demonstrate the general truth of Weltden's letter. The amount of coffee imported declined even more rapidly than that of tea because during the war tea could not be obtained from the United States as it had been before, and so coffee was substituted in part. After the war, coffee was no longer purchased in such large quantities.[395]

When we know the profits that were obtained by smuggling tea, we can more easily credit Weltden's statements as to the amount smuggled. Tea imported in New York at fifty cents a pound sold in Canada for $1.25; that imported at twelve cents per pound retailed at from twenty-six to twenty-eight cents.[396] By an American law the merchant who imported tea and exported it within eighteen months paid only two and one-half per cent of the duty regularly charged. It paid the American merchant to foster smuggling.

To check this loss of revenue, Great Britain ordered the East India Company to send tea direct from China to Quebec and land the tea there at reduced prices. Though this lessened the contraband trade it by no means stopped it.[397] By a United States statute, all tea imported in American vessels, direct from China was to be imported duty free after March, 1823.[398] This did not help to decrease the Canadian smuggling. Three years later Upper Canadians were still petitioning the King to protect them against smugglers, but the committees on trade in the British council would

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[394] Weltden to Horten, April 11, 1824, C. A. Q. 170, p. 677.

[395] Importations at port of Quebec:

| | Tea-lbs. | Coffee-lbs. |
|---|---|---|
| 1814 | 487,871 | 168,972 |
| 1815 | 314,450 | 269,663 |
| 1816 | 218,969 | 335,441 |
| 1817 | 254,248 | 35,995 |
| 1818 | 348,008 | 50,779 |
| 1819 | 280,497 | 43,091 |
| 1820 | 167,067 | 55,878 |
| 1821 | 166,865 | 73,173 |
| 1822 | 184,879 | 94,929 |

April 11, 1829, C. A. Q. 170, p. 678.

[396] C. A. Q. 170, p. 678.

[397] Petition from Chamber of Commerce, St. John's, Jan. 31, 1833, C. A. Q. 210, p. 280.

[398] Ibid.

hearken to none of the proposed plans of the colonists.[399] And so a considerable portion of the tea consumed in Canada continued to be carried by American merchantmen.

Other commodities as well as tea were also smuggled into Canada in great quantities. Petitions were sent to the Legislature praying for a reduction of duty on whisky, and other spirits to 3d. per gallon in the hope that a reduction would induce the importers to enter these liquors through the lawful channels. Lower rates when collected would yield a larger revenue than the higher rates under existing conditions. Carleton Island was reported to be the rendezvous for an organized band of smugglers. A great quantity of tobacco was confiscated here.[400] Customs house officers, however vigilant, were but inadequately prepared to cope with the organized smugglers of these early years.[401]

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[399]C. A. G. 79.

[400]Adams' complaint that an American citizen had had tobacco confiscated, C. A. Q. 162, p. 21.

[401]See proposals made by customs collectors, at Picton, Sydney, Boston, 1835, and letter of Vaughan to Aberdeen, Oct. 29, 1828, complaining of smuggling, C. A. Q. 354, p. 162. C. A. Q. p. 185, p. 260. C. A. Q. 170, p. 268.

## XI.

## TRANSPORTATION.

The growing tendency in the United States after the war to devote more attention to all kinds of internal improvements and especially that part of this tendency which sought to develop better communication between the western states and the seaboard cities was accompanied by a corresponding movement in the Canadian provinces. The war of 1812 had revealed to Canadians as well as to Americans what a military advantage better means of transportation would be; and the construction and location of the early transportation system of Upper Canada were to a considerable extent due to an effort to find better means for moving men and supplies than had been offered during the war. It is true that some short canals had already been built along the course of the St. Lawrence. A canal at Coteau du Lac had been opened in 1780, preceding by five years the excavation for the first American canal. In 1782 and 1783 two other canals, the Cascades and Split Rock, still further removed impediments to navigation between Montreal and Kingston. It was not until the war period and after it, however, that the really significant undertakings were seriously considered.

The first great overland route constructed in Upper Canada was the York Road or Dundas Street. Military exigencies had shown the need of such a highway to connect York with both the extreme southwest and the military stations of Kingston and farther east. The roadbed was cautiously constructed inland from the exposed waterfront so that an enemy might not so readily interfere with traffic upon it. But the Canadians needed more than the York road and the canals already built along the St. Lawrence if they were to cope successfully against American arms in any future contest, or if they were to stand any chance in the competition for the western carrying trade. In providing facilities for both war and trade the projected Erie Canal would turn the scales immeasurably in favor of the Americans. The immigrant in southern and western Upper Canada, when bound commercially to a foreign power, might soon pay complete homage and allegiance to that country instead of to Britain. Thus, it was that the legislators and parliaments in Canada and England were induced to vote the necessary

charters and grants for new roadways in Canada, and to place them where they did not merely offer better provisions for the welfare of the immigrants already settled and to induce more to come, but to hold those they had true to their allegiance, and protect the upper province against American aggression.

This statement holds in the case of the great York road and may be further verified by considering each of the Canadian canals in turn. While the Erie Canal was as yet a reality only in the fertile fancies of some New York promoters, the Lower Canadian Parliament in 1817 drew up a bill for fostering the St. Lawrence trade. This bill urged the consideration of improvements in the navigation of that river largely because such improvements would counteract the effects of the projected New York Canal. The Upper Canada Legislature, anticipating by a year the efforts of the lower province, discussed a bill to make surveys for the Welland Canal and, although an act of incorporation was not granted until 1824 and navigation was not opened until six years later, a letter from Cosgrave in 1819 reveals the tone of the efforts made to persuade those in power to make the necessary grants.[405] After calling attention to the fact that this canal would facilitate an export trade that already employed 5,000 seamen and amounted to 1,500,000 pounds sterling annually, he hoped that the British government would by its zeal and decision outstrip the United States government, that it would thus bring to Montreal the exports and imports of the states bordering on Lakes Erie, Huron and Michigan and that the West Indies might continue to be supplied from Canadian ports as they then were. So much for the commercial advantages of such a waterway. But Cosgrave seems to have realized that he must offer arguments that would appeal to those who wished to strengthen the military defenses, and, therefore, he said that the Welland Canal would attract a population along the frontier "ready to oppose any unjust usurpation of British rights when the period arrives that these nations may be unhappily involved in war," and it "would make these states (Ohio, Indiana. etc.) look up to us (British) as protectors, and in case of another war might cause them to separate from the Federal Government and join England."[406]

Again the Rideau Canal, though not commenced until 1826, was advocated a decade before that as a military necessity. Its advo-

[405]Wm. Cosgrave to Goulbourn, Jan. 18, 1819, C. A. Q. 153, p. 81.
Sherbrooke to Bathurst, May 20, 1817, C. A. Q. 144, p. 21.
Kingford, Hist. of Can. X. 245.
[406]Cosgrave to Goulbourn, C. A. Q. 153, p. 81.

cates declared that it would establish communication between Kingston and Quebec free from the dangers of navigating a river flanked by American artillery; it would make possible and prosperous a military settlement along its route, and it was "safer to get population consolidated than scattered;" a colony of loyal British soldier-settlers would "improve the disposition of the people;" and "to expel as much as possible the American manners from the Canadian side of the St. Lawrence (might thereafter) be of vital importance to the provinces."[407] The government was urged to make grants because "in the event of a war the sum advanced ..... would be almost immediately saved."[408] Bathurst approved of the scheme for the canals and military settlements.

A few years later, in the early thirties, efforts were made to open a waterway between the head waters of the Ottawa and Lake Huron, and arguments similar to these quoted above were prominently put forth. The Americans, it was asserted, were fortunate in being able to combine almost immediate commercial advantages with additional facilities for war-like operations on the northern frontier; the Rideau Canal had become necessary to restore the equilibrium of attack and defense, but it was also a stimulus to trade and settlement; the proposed canal would be likewise commercially profitable, for the rapidly increasing population of Michigan and the Northwest Territories would undoubtedly avail themselves of this route to the Atlantic, and in a political point of view this channel would increase the interest of the Northwestern Americans in continuing on friendly footing with the British Empire; it would attract British settlers to the west; and in war an English population on Lake Huron would materially add to British resources.[409]

While canals and highways were thus promoted in some sections, in others roads were absolutely prohibited—and in pursuit of the same policy. In the eastern townships it was deemed desirable to admit no settlements, a "state of nature" being considered a better defense than even a military settlement. Consequently no system of transportation was adopted and even the roads which did exist were not repaired. Here was an effort to suppress the natural growth of one part of Lower Canada in order to protect the rest. All attempts to keep these townships in a state of nature proved,

[407]Frans Cockburn, Lt. Col. and Dep. Qr. Mast. Gen., report Nov. 26, 1818, C. A. Q. 152, p. 9; and letters C. A. Q. 167 B. p. 56.
[408]Reports on Ottawa Canals, C. A. Q. 161, p. 318. Also see Diary of Nicholas Garry, Roy. Soc. of Can. II Ser. vol. VI. p. 95.
[409]Shirreff to Howick, Sept. 29, 1832, C. A. Q. 375 p. 361.

however, to be very futile; but we are not concerned with that. The motive on the part of the British in prohibiting roads here was to strengthen the military defenses of their colonies and this same motive was apparently stronger than any other in prompting the legislators to vote supplies for the construction of the other roads and canals. Behind all this was the prevailing opinion that the Americans were simply awaiting their opportunity to annex the Canadian colonies. British pride could not suffer such a shock as the loss of additional North American colonies. Moreover, British capitalists, merchants, and seamen had pecuniary reasons for resisting any further surrender of provinces.

For altogether too long a period the Colonial Office in London and its representatives in the Canadas suffered from the infection of old-world ideas; a colony was supposed to be a direct and immediate benefit to the mother country. Therefore, in regard to the Canadas, trade and revenue laws were made in England and framed to suit English interests; a superabundance of highly paid officials sent from England drew their coveted salaries from the Colonial treasury;[410] a privileged clergy was alloted one-seventh of the crown lands; too much local autonomy was undesirable lest the colonists should find the means to revolt against foreign dictation and oppression; contamination from democratic doctrines must be avoided and therefore immigration from democratic states must be carefully supervised; missionaries, teachers, books, and newspapers emanating from such a source were dangerous. The existence of a great Republic as a near neighbor was in itself a source of danger and the more especially when another old-world idea still held sway, namely that one of the functions of a nation was to pounce upon its unprotected neighbor. Would not the American eagle await its time for a favorable opportunity to swoop down upon its prey in the northlands? The tardiness in surrendering forts, the unwillingness to admit American citizens, the efforts, legitimate and illegitimate to retain the good will of the Indians, disputes over strategic points along the boundary, futile attempts to prevent the dissemination of so-called American principles, the policy in regard to the placing of internal improvements—all these things were considered matters of self-defense against American aggression.

We have noticed that immediately after the close of the war in

[410]Hume in H. of C. Mar. 12, 1824, Hansard II Series Vol. 10 p. 855.
Ibid Mar. 15, 1825, Hansard II Series Vol. 12 p. 1035.
Bennett in H. of C. Mar. 12, 1824, Hansard II Series Vol. 10 p. 958.

1814 the old colonial restrictive system—the navigation laws—were enforced more rigidly than formerly. We have also noticed that the British a few years later found it prudent to adopt a more liberal policy; the old navigation laws were so unsatisfactory that they must perforce give way to something more modern; nevertheless the authorities across the ocean were slow to introduce any radical improvements. Even up to the coming of Lord Durham the internal administration of the Canadas and the regulation of affairs directly or indirectly pertaining to the United States reflect not so much ignorance of, or indifference to, the needs of the Canadas, as a more or less systematic pursuit of an antiquated and pernicious colonial policy.

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A list of the more helpful works used in the preparation of this thesis alphabetically arranged.

ABBREVIATIONS.

A. H. A. Reports = American Historical Association Reports.

A. S. P., I. A. = American State Papers, Indian Affairs.

C. A. Q. = Canadian Archives, Series Q.

C. A. G. = Canadian Archives, Series G.

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